BULKY DOCUMENTS

(exceeds 300 pages)

Proceeding/Serial No: 91125 615
Filed: 3-13-06
Title: University of South Carolina
University of South Chrolina

Part S of 9

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Consent Agreement

This CONSENT AGREEMENT (this "Agreement") is made and entered into as of the 1st day of October, 1997, by and between the UNIVERSITY OF SOUTHERN CALIFORNIA, a California non-profit corporation having an address at University Park, ADM 352, Los Angeles, California 90089-5013 ("California"), and the UNIVERSITY OF SOUTH CAROLINA, an agency of the State of South Carolina having an address at 109 Osborne Administration Building, University of South Carolina, Columbia, South Carolina 29208 ("Carolina").

Recitals

WHEREAS, Carolina owns, and has been using since at least as early as 1890, the "USC" service mark (the "USC Mark"), in connection with educational services, namely providing classes, courses and seminars at the undergraduate, graduate, post-graduate, adult education and professional levels; and entertainment services, namely conducting athletic and cultural events, and musical, dance, theatrical and dramatic performances (collectively, the "Services") in the states of Wisconsin, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, New York, Arkansas, Louisiana, Connecticut, Maine, Vermont, New Hampshire, New Jersey, Florida, Rhode Island, Delaware, the District of Columbia and Alaska (the "Carolina Territory").

WHEREAS, California owns, and has been using since at least as early as 1910, the USC Mark, in connection with the Services in the states of Washington, Oregon, California, Nevada, Idaho, Arizona, Utah, Colorado, Wyoming, Montana, New Mexico, Texas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Massachusetts, Illinois and Hawaii (the "California Territory").

WHEREAS, on June 10, 1996, California filed an application for concurrent use registration for the USC Mark in connection with the Services in the California Territory; Serial No. 75/116,291.

WHEREAS, on July 23, 1996, Carolina filed an application for concurrent use registration for the USC Mark in connection with the Services in the Carolina Territory; Serial No. 75/138,304.

WHEREAS, California and Carolina both believe that there is no likelihood of confusion between their respective uses

of the USC Mark, given the differences between the Carolina Territory and the California Territory, and neither party is aware of any instances of actual confusion resulting from their concurrent use of USC Mark in connection with the Services within their respective territories.

WHEREAS, California and Carolina desire to reach an agreement regarding their respective uses of the USC Mark.

NOW THEREFORE, in consideration of the above recitals, and the covenants and conditions contained herein, California and Carolina do hereby agree as follows:

- 1. California shall not: (a) seek to register with any governmental entity, the USC Mark, or any related or derivative mark, in connection with the Services in the Carolina Territory, (b) challenge Carolina's right to use or register the USC Mark, or any related or derivative mark, in connection with the Services in the Carolina Territory, so long as Carolina is in compliance with the terms of this Agreement, or (c) use any logo, trademark, service mark, mascot, school song or nickname of Carolina in connection with the USC Mark.
- 2. Carolina shall not: (a) seek to register with any governmental entity, the USC Mark, or any related or derivative mark, in connection with the Services in the California Territory, (b) challenge California's right to use or register the USC Mark, or any related or derivative mark, in connection with the Services in the California Territory, so long as California is in compliance with the terms of this Agreement, or (c) use any logo, trademark, service mark, mascot, school song or nickname of California in connection with the USC Mark.
- 3. California shall use its best efforts to use its name, the University of Southern California, someplace on all advertising and promotional materials for the Services which display the USC Mark.
- 4. Carolina shall use its best efforts to use its name, the University of South Carolina, someplace on all advertising and promotional materials for the Services which display the USC Mark.
- 5. Both parties hereby agree to execute, acknowledge and deliver all such further instruments and to take all such further actions as may be reasonably requested or required in order to enable both parties to obtain concurrent use registrations for the USC Mark in connection with the Services.
- 6. This Agreement shall be perpetual; provided, however, that should one party abandon the USC Mark in connection with the Services, or permanently cease to operate as a business,

the obligations of the other party under this Agreement shall cease.

- 7. If any term or provision of this Agreement is held to be void or unenforceable by any court of competent jurisdiction, only that objectionable term or provision shall be deleted herefrom while the remainder of the term, provision and agreement shall be enforceable.
- 8. Neither party shall assign or encumber its rights or obligations under this Agreement without the prior written consent of the other party. Subject to the foregoing, this Agreement shall be binding on and inure to the benefit of the parties' successors and assigns.
- 9. Any and all notices and communications hereunder shall be in writing and shall be deemed to have been duly given when delivered personally, or five (5) days after mailing when deposited in the United States mail, first class postage prepaid addressed to the parties at the addresses set forth above, or to such other addresses as either of the parties hereto may from time to time designate in writing to the other party hereto.
- 10. No party's failure to enforce any provision or provisions of this Agreement shall be deemed or in any way construed as a waiver of any such provision or provisions, nor prevent that party thereafter from enforcing each and every provision of this Agreement. The rights granted the parties herein are cumulative and shall not constitute a waiver of any party's right to assert all other legal remedies available to it under the circumstances.
- alone are not an adequate remedy for any breach either party of any provision of this Agreement. Therefore, in the event of a breach or threatened breach of any provision of this Agreement by either party, the breaching party agrees and consents that the non-breaching party, in addition to all other remedies, shall have the right to immediately seek, obtain and enforce injunctive relief prohibiting the breach or compelling specific performance, without the need to post any bond. Unless expressly set forth herein to the contrary, all remedies set forth herein are cumulative and are in addition to any and all remedies provided either party at law or in equity.
- 12. This Agreement may be executed simultaneously in two (2) or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one (1) and the same instrument.

13. This Agreement contains the entire understanding among the parties hereto with respect to the subject matter hereof and supersedes any prior agreements and understandings relating thereto. This Agreement may not be waived, changed, modified; extended or discharged orally, but only by a written instrument signed by the party against whom enforcement of any waiver, change, modification, extension or discharge is sought.

IN WITNESS WHEREOF, California and Carolina have executed this Agreement on the date first written above.

"California"

UNIVERSITY OF SOUTHERN CALIFORNIA

By:

Dennis F. Dougherty Senior Vice President Administration

"Carolina"

UNIVERSITY OF SOUTH CAROLINA

By:

Thomas L. Stepp Secretary of Board of Trustees

Consent Agreement

This CONSENT AGREEMENT (this "Agreement") is made and entered into as of the 1st day of October, 1997, by and between the UNIVERSITY OF SOUTHERN CALIFORNIA, a California non-profit corporation having an address at University Park, ADM 352, Los Angeles, California 90089-5013 ("California"), and the UNIVERSITY OF SOUTH CAROLINA, an agency of the State of South Carolina having an address at 109 Osborne Administration Building, University of South Carolina, Columbia, South Carolina 29208 ("Carolina").

Recitals

WHEREAS, Carolina owns, and has been using since at least as early as 1890, the "USC" service mark (the "USC Mark"), in connection with educational services, namely providing classes, courses and seminars at the undergraduate, graduate, post-graduate, adult education and professional levels; and entertainment services, namely conducting athletic and cultural events, and musical, dance, theatrical and dramatic performances (collectively, the "Services") in the states of Wisconsin, Mississippi, Michigan, Indiana, Kentucky, Tennessee, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, New York, Arkansas, Louisiana, Connecticut, Maine, Vermont, New Hampshire, New Jersey, Florida, Rhode Island, Delaware, the District of Columbia and Alaska (the "Carolina Territory").

WHEREAS, California owns, and has been using since at least as early as 1910, the USC Mark, in connection with the Services in the states of Washington, Oregon, California, Nevada, Idaho, Arizona, Utah, Colorado, Wyoming, Montana, New Mexico, Texas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Massachusetts, Illinois and Hawaii (the "California Territory").

WHEREAS, on June 10, 1996, California filed an application for concurrent use registration for the USC Mark in connection with the Services in the California Territory; Serial No. 75/116,291.

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WHEREAS, California and Carolina both believe that there is no likelihood of confusion between their respective uses

of the USC Mark, given the differences between the Carolina Territory and the California Territory, and neither party is aware of any instances of actual confusion resulting from their concurrent use of USC Mark in connection with the Services within their respective territories.

WHEREAS, California and Carolina desire to reach an agreement regarding their respective uses of the USC Mark.

NOW THEREFORE, in consideration of the above recitals, and the covenants and conditions contained herein, California and Carolina do hereby agree as follows:

- 1. California shall not: (a) seek to register with any governmental entity, the USC Mark, or any related or derivative mark, in connection with the Services in the Carolina Territory, (b) challenge Carolina's right to use or register the USC Mark, or any related or derivative mark, in connection with the Services in the Carolina Territory, so long as Carolina is in compliance with the terms of this Agreement, or (c) use any logo, trademark, service mark, mascot, school song or nickname of Carolina in connection with the USC Mark.
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- 3. California shall use its best efforts to use its name, the University of Southern California, someplace on all advertising and promotional materials for the Services which display the USC Mark.
- 4. Carolina shall use its best efforts to use its name, the University of South Carolina, someplace on all advertising and promotional materials for the Services which display the USC Mark.
- 5. Both parties hereby agree to execute, acknowledge and deliver all such further instruments and to take all such further actions as may be reasonably requested or required in order to enable both parties to obtain concurrent use registrations for the USC Mark in connection with the Services.
- 6. This Agreement shall be perpetual; provided, however, that should one party abandon the USC Mark in connection with the Services, or permanently cease to operate as a business,

11:10

the obligations of the other party under this Agreement shall cease.

- 7. If any term or provision of this Agreement is held to be void or unenforceable by any court of competent jurisdiction, only that objectionable term or provision shall be deleted herefrom while the remainder of the term, provision and agreement shall be enforceable.
- 8. Neither party shall assign or encumber its rights or obligations under this Agreement without the prior written consent of the other party. Subject to the foregoing, this Agreement shall be binding on and inure to the benefit of the parties' successors and assigns.
- 9. Any and all notices and communications hereunder shall be in writing and shall be deemed to have been duly given when delivered personally, or five (5) days after mailing when deposited in the United States mail, first class postage prepaid addressed to the parties at the addresses set forth above, or to such other addresses as either of the parties hereto may from time to time designate in writing to the other party hereto.
- 10. No party's failure to enforce any provision or provisions of this Agreement shall be deemed or in any way construed as a waiver of any such provision or provisions, nor prevent that party thereafter from enforcing each and every provision of this Agreement. The rights granted the parties herein are cumulative and shall not constitute a waiver of any party's right to assert all other legal remedies available to it under the circumstances.
- alone are not an adequate remedy for any breach either party of any provision of this Agreement. Therefore, in the event of a breach or threatened breach of any provision of this Agreement by either party, the breaching party agrees and consents that the non-breaching party, in addition to all other remedies, shall have the right to immediately seek, obtain and enforce injunctive relief prohibiting the breach or compelling specific performance, without the need to post any bond. Unless expressly set forth herein to the contrary, all remedies set forth herein are cumulative and are in addition to any and all remedies provided either party at law or in equity.
- 12. This Agreement may be executed simultaneously in two (2) or more counterparts, each of which shall be deemed to be an original, but all of which together shall constitute one (1) and the same instrument.

13. This Agreement contains the entire understanding among the parties hereto with respect to the subject matter hereof and supersedes any prior agreements and understandings relating thereto. This Agreement may not be waived, changed, modified, extended or discharged orally, but only by a written instrument signed by the party against whom enforcement of any waiver, change, modification, extension or discharge is sought.

IN WITNESS WHEREOF, California and Carolina have executed this Agreement on the date first written above.

"California"

UNIVERSITY OF SOUTHERN CALIFORNIA

By:		
	Dennis	P. Dougherty
	Senior	Vice President

"Carolina"

UNIVERSITY OF SOUTH CAROLINA

By: thomas 1/20/9

Thomas L. Stepp

Secretary of Board of Trustees

A G R E E M E N T

AGREEMENT, made this / day of Cusust,

1981, by and between THE UNIVERSITY OF SOUTH CAROLINA, a

South Carolina educational institution with its principal campus in Columbia, South Carolina (hereinafter referred to as "South Carolina"), and THE UNIVERSITY OF SOUTHERN

CALIFORNIA, a California educational institution with its principal campus in Los Angeles, California (hereinafter referred to as "Southern California").

WHEREAS, SOUTHERN CALIFORNIA has filed an application to register the designation "USC" in the United States Patent and Trademark Office, Serial No. 176,996, in respect of a wide variety of consumer products; and

WHEREAS, SOUTHERN CALIFORNIA has used the designnation USC for more than fifty (50) years to identify
educational services and, for many years, the wide variety
of products identified in Application Serial No. 176,996;
and

WHEREAS, SOUTH CAROLINA has used the designation USC for more than fifty (50) years to identify educational services and, for many years, a wide variety of consumer products; and

WHEREAS, SOUTH CAROLINA has filed Notice of Opposition, Opposition No. 64,006, to registration of the designation USC, Serial No. 176,996, in the United States Patent and Trademark Office; and

WHEREAS, the aforesaid use of the designation USC by SOUTHERN CALIFORNIA and SOUTH CAROLINA has not resulted, to the knowledge of either party, in a single instance of actual confusion, mistake or deception; and

WHEREAS, the parties desire to amicably resolve the above-identified opposition and, additionally, to reach agreement on their respective rights in and to the designation USC.

NOW, THEREFORE, in consideration of the mutual covenants and promises made herein, the parties agree as follows:

1. SOUTHERN CALIFORNIA shall not object and hereby consents to the use by SOUTH CAROLINA or its licensees, distributors or other lawful designees of the designation USC on and in connection with educational and related services as well as consumer products of varying description.

If SOUTH CAROLINA is notified in writing by SOUTHERN CALIFORNIA of any instance of confusion, mistake or deception of a third party on account of activity relating to the utilization of the designation USC on or in connection with any consumer product, then SOUTH CAROLINA shall take those reasonable steps necessary to prevent further confusion, mistake or deception of said third party.

2. SOUTH CAROLINA shall not object and hereby consents to the use by SOUTHERN CALIFORNIA or its licensees, distributors or other lawful designees of the designation USC on and in connection with educational and related services as well as consumer products of varying description.

If SOUTHERN CALIFORNIA is notified in writing by SOUTH CAROLINA of any instance of confusion, mistake or deception of a third party on account of activity relating to the utilization of the designation USC on or in connection with any consumer product, then SOUTHERN CALIFORNIA shall take those reasonable steps necessary to prevent further confusion, mistake or deception of said third party.

3. Upon request by either party, the other party shall execute any acknowledgement or consent reasonably necessary to effect the intent of paragraphs 1 and 2 above.

- The parties mutually agree not to obtain Federal registration of the designation USC in respect of educational services.
- 5. The parties mutually agree that it is permissible for SOUTHERN CALIFORNIA to obtain state registration of USC for educational services in the State of California and for SOUTH CAROLINA to obtain state registration of USC for educational services in the State of South Carolina.
- 6. Concurrent with the execution hereof, SOUTH CAROLINA shall withdraw Opposition No. 64,006 to Application Serial No. 176,996.

THE UNIVERSITY OF SOUTH CAROLINA

Vice President Senior

for Business Affairs

ATTEST:

THE UNIVERSITY OF SOUTHERN CALIFORNIA

Name

Title

Vice President, Legal Affairs

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

ATTEST:

Applicant's

APPLICANT 00472

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AGREEMENT

THIS AGREEMENT, made by and between Spelman College, a Georgia corporation, having as its address 350 Spelman Lane, Atlanta Georgia 30314, and University of Southern California, a California corporation, having as its address University Park, Los Angeles, California 90089,

WITNESSETH THAT

WHEREAS, Spelman College asserts ownership in the United States of the trademark "SC (and schoolhouse design)", as depicted in the attached Exhibit A, for "alumni magazines" (in International Class 16); "college bookstore services" (in International Class 42); "educational services, namely providing courses of instruction at the college level" (in International Class 41); and "plastic shopping bags" (in International Class 18), and has filed Applications to register "SC (and schoolhouse design)" in the United States in International Class 16 (Application No. 74/338,417), in International Class 42 (Application No. 74/338,407), in International Class 41 (Application No. 74/338,414), and in International Class 18 (Application No. 74/338,579);

WHEREAS, University of Southern California asserts ownership in the United States of the trademark "sc" for "keyrings of non-precious metals, decorative emblems or plates of non-precious metal, for attachment to autos, art work statuary of non-precious metals, all goods being offered

Applicant's Ex. No. 68, Pg. No.

and sold to persons through university authorized channels of trade" (in International Class 6); "umbrellas, hand luggage, tote bags, luggage, namely, tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips, fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through university authorized channels of trade" (in International Class 18); "towels, blankets, cloth pennants and cloth flags, all goods being sold to persons through university authorized channels of trade" (in International Class 24); and "sweatshirts and t-shirts, all goods being offered and sold at university controlled outlets" (in International Class 25) and has filed an application to register "SC" in the United States in International Classes 6, 8, 24 and 25 (Application No. 74/094,681), which Application has been published for opposition at page 14-15 of the August 18, 1992 issue of the TM Official Gazette.

WHEREAS, Spelman College desires to have Trademark Applications Serial Nos. 74/338,417, 74/338,407, 74/338,414 and 74/338,570 for the trademark "SC (and schoolhouse design)" achieve registration;

WHEREAS, both parties desire to avoid any conflict between their respective marks and usage and desire to

2

continue selling their respective products under conditions that avoid likelihood of confusion;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is AGREED, CONTRACTED and COVENANTED as follows:

- Spelman College agrees not to oppose University of Southern California's Application No. 74/094,681 to register "sc".
- 2. Conversely, University of Southern California agrees not to oppose Spelman College's applications Nos. 74/338,417, 74/338,407, 74/338,414 and 74/338,579 to register "SC (and schoolhouse design)".
- registrations for "SC (and schoolhouse design)" that it obtains, or its other rights in the "SC (and schoolhouse design)" mark, to try to impede University of Southern California or its licensees from using any of University of Southern California's various "SC" designs, as depicted in the attached Exhibit B, on typical college bookstore merchandise.

- 4. Conversely, University of Southern California agrees not to use its "SC" registration, or its other rights in the "SC" mark, to try to impede Spelman or its licensees from using Spelman's "SC (and schoolhouse design)" logo on typical college bookstore merchandise.
- 5. If any of Spelman's pending Applications Serial Nos. 74/338,417, 74/338,407, 74/338,414, and 74/338,579 is refused on grounds of confusing similarity to the registration resulting from University of Southern California's Application No. 74/094,681, then University of Southern California will, upon request, sign a statement for Spelman College to file with the Patent and Trademark Office, saying that in University of Southern California's opinion there is no confusing similarity between the two marks.
- The parties agree to avoid any advertising, promotion or marketing which would reasonably be expected to lead a substantial number of purchasers to erroneously believe that the parties' respective products emanate from the same source, and will take all necessary steps to remedy any confusion that may occur between the uses of their respective marks in the future.
- 7. The parties acknowledge and recognize that University of Southern California's "SC" mark and Spelman

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College's "SC (and schoolhouse design)" mark do not currently conflict, and have not resulted in any actual confusion or likelihood of confusion in the past. Neither party foresees development of any such confusion or likelihood of confusion so long as neither party is in violation of this Agreement.

- 8. This Agreement shall be binding upon and inure to the benefit of the parties, their subsidiaries, affiliates, representatives, successors, assigns and anyone else claiming by and through any of the foregoing.
- 9. Any claim or controversy between the parties arising from or relating to this Agreement, or the breach thereof, shall be submitted to arbitration in accordance with the Commercial Arbitration Rules of the American Arbitration Association. The parties will each select an arbitrator from a list of qualified arbitrators provided by the American Arbitration Association. The selected arbitrators will then select a neutral third arbitrator, bringing the total to three (3) arbitrators. Each arbitrator shall be experienced in the field of trademark law, including practice before the U.S. Patent and Trademark Office. If no such individuals are included in the list of arbitrators provided by the American Arbitration Association, the parties may select any other individual meeting the qualification requirements of the American Arbitration Association Association rules. The parties may take

depositions and obtain discovery prior to the hearing in accordance with the provisions of the Federal Rules of Civil Procedure. The arbitrators may grant any remedy or relief which they deem just and equitable and within the scope of the agreement of the parties including, but not limited to, specific performance of the contract and permanent injunctive relief. The award of a majority of the arbitrators shall be binding and conclusive. A judgment confirming the award may be rendered by any court having jurisdiction thereof.

- 10. If any action to enforce the terms of this Agreement becomes necessary, the prevailing party shall be entitled to recover reasonable attorney's fees and other costs.
- 11. Any waiver by either party of any rights arising from breach of any provision of this Agreement shall not be construed as a continuing waiver of other breaches of the same or other provisions of this Agreement.
- 12. This Agreement constitutes the entire agreement between the parties with respect to the subject matter contained herein and supersedes all previous negotiations or proposals, and may only be modified by an amendment executed in writing by both parties hereto.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate originals by their duly authorized officers as shown below. Each one of the duplicate executed originals is complete and valid by itself.

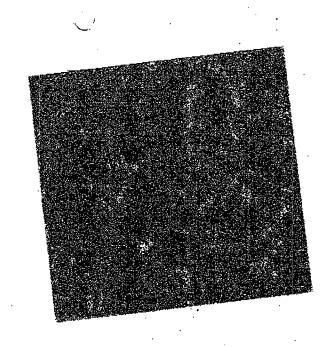
SPELMAN COLLEGE

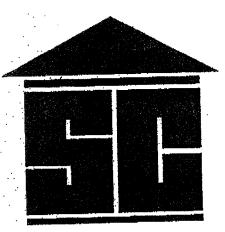
UNIVERSITY OF SOUTHERN CALIFORNIA

Robert D. Flanigan Vice-President, Business and Financial Affairs	Dennis Dougherty Senior Vice-President for Administration
Date: 2/15/93	Date: 2/11/93
Place of Execution: Atlanta CA	Place of Los Angeles, California
Attest: Day & Fakery	Attack

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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina Applicant's Ex. No. 16. Pg. No. 18

OPP 01359



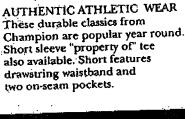
4. Bike cap. Designed to complement both casual and athletic wear, 100% cotton. One size fits all-from Kappit, \$5.00

5. Contemporary cardin tee. This heavyweight cotton tee is versatile and fun. From Desert Sportswear. 5, M, L, XL \$14.00

> Credit Card Ore 1-800-447-862

Fax Orders 1-800-648-6388

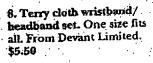
an adjustable strap- x ... Specialty Co. \$13.00



11. Grey "property of" tank. S, M, L, XL \$11.50 XXL \$13.75

12. Grey "property of" tee (not pictured). S, M, L, XL \$13.00 XXL \$15.25

13. Grey exercise shorts. S, M, L, XL \$19.50



9. Grey USC sweatshirt. This heavyweight crew is a campus necessity. Made of reverse weave cotton/acrylic/rayon knit for long-lasting wear. From Champion.

S. M. L. XL \$40.50

XXL \$44.75

10. Ash grey tee. This comfortable lightweight 100% cotton tee is perfect for the traditional Trojan fan. From Collegiate Pacific. S, M, L, XL \$10.00





28. Hair accessoftes gift set. Fun yet functional, this set includes a fabric covered barrette and a popular cardinal scrungie. From Let's Hair It. \$10.00/set

> VERSATILE JUMBO TEES. Get in the spirit of USC. Great as nightshirts or beach coverups. One size fits all.

29. USC Lucy shirt. Cotton/ polyester blend. From Artex. \$21.50

30. White oversize tee. 100% cotton. From BJ Designs. \$15.00

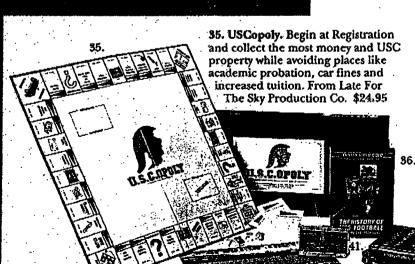


32. Soft 10" foam football. From Scott Port-A-Fold. \$7.00

32.

33. Sweater teddy bear. This soft white bear measures 12" high. From Abel Creations Company. \$15.00

34. Mini 8½" rubber football. From Baden Sports. \$11.00



HISTORY OF USC FOOTBALL VIDEOS. A collection of exciting football highlights and participants that have made USC football a proud tradition. VHS only. From Trojan Video Gold. 36. Volume I, The History of USC Football,

1888-1959, \$39.95

37. Volume II, The History of USC Football, 1960-1986. \$39.95

38. Volume III, Crosstown: The USC-UCLA Rivalry! \$39.95

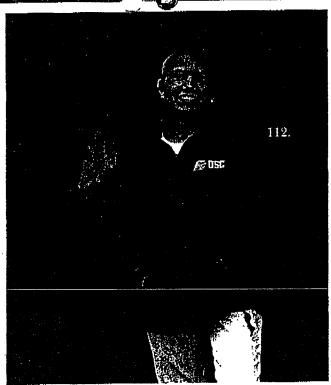
39. 3 Volume SET \$110.00

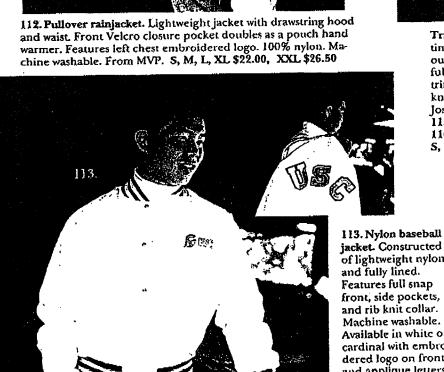
SPIRIT OF TROY: LIVE AND IN CONCERT. Features USC Trojan Marching Band. 40. Album \$8.00 41. Cassette \$9.00

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 168, Pg. No. 10

40.





jacket. Constructed of lightweight nylon and fully lined. Features full snap front, side pockets, and rib knit collar. Machine washable. Available in white or cardinal with embroidered logo on front and applique letters on back. From MVP. S, M, L, XL \$53.50 XXL \$57.50



Traditional letterman jacket. A timeless original that never goes out of style. 100% wool body, fully lined, leather sleeves and trim, chenille letters and rib knit collar and waistband. From Jostens College Division. 115. Men's S, M, L, XL \$135.00 116. Women's (not pictured) S, M, L, XL \$135.00

114. Mock turtleneck. A basic, in cool cotton with embroidered gold shield to coordinate with anything. From Crable Sportswear. S, M, L, XL \$20.00

Credit Card Orders 1-800-447-8620

> Fax Orders 1-800-648-6388

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 168, Pg. No. **OPP 01362**



119.

119.

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119. Sport duffel.

Made of durable, waterproof Core

Credit Card Orders 1-800,447-8620

> Fax Orders 1-800-648-6388

Made of durable, waterproof Cordura, this 12"x20"x31" bag zips shut and contains a storage pocket for wet or soiled articles. Manufacturer's lifetime guarantee. Made in the USA. From Eastpak. \$34.50

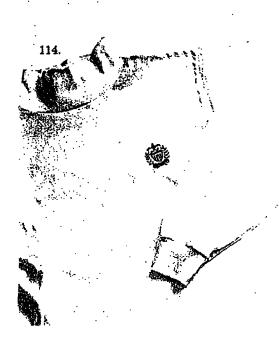
PENNANTS. 12" x 30" wool felt. From Collegiate Pacific East.

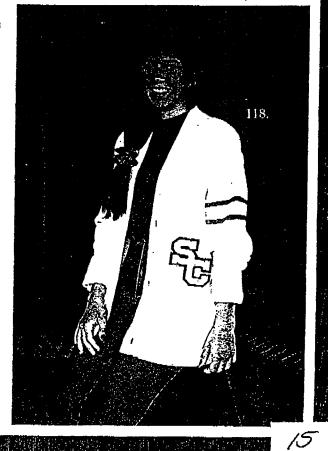
120. USC seal pennant. \$10.75

121. Trojan pennant. \$6.00

117. Wool baseball jacket. Traditionally tailored and sophisticated, this high quality jacket is lined with soft quilting for warmth and comfort. Features an inside pocket and hidden full front zipper. 80% wool/20% nylon. Dry clean only. From Gear For Sports. S, M, L, XL \$119.95

118. Cardigan sweater. Updated styling highlights this classic collegiate sweater. Thick 100% cotton with two pockets and chenille letters. From Dehen Knitting. S(38), M(42), L(44), XL(48) \$69.95





Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina Applicant's Ex. No. 168, Pg. No. 19

OPP 01363



Trojan Gift Collection

On the cover:

144. Birch grey hooded sweatshirt, Expertly manufactured with a lifetime gindantee on fabric and construction. Oversized, heavyweight, and 94% cotton for extraordinary softmess and durability. Features drawstring bood, two oilscam pockets and sewn in side gassets to avoid shrinkinge. From Russell Athletic M, L; XL, XXI, \$69.95. Supply is limited.



145: Maroon sweatshirt. A supplisticated lookwith gold embroidered accents on a puff print. Cotton/polyester thenil. Machine wash, line day. From Jansport. M; L, XL S35.25



Heavyweight sweats with double-stitched seams in a soft cotton/polyester blend. Features crewiteck sweatshirt with set in sleeves and clastic/drawstring pants with buttoned rear pocket. From Gear For Sports. 146. Graphite sweatshirt. S, M, L, XL \$28.50. 147. Graphite sweatpants. S, M, L, XL \$28.00.

University of Southern California Trojan Gift Collection 830 Childs Way, Suite 25 Los Angeles, CA 90007

Non-Profit
Organization
U.S. Postage
Paid
University of
Southern California



CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 7 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Belousti

Administrative Assistant

March 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California) Opposition No. 91125615
Opposer,) Serial No. 75/358,031
vs.) Mark: SC (Stylized)
University of South Carolina,) Filed: September 16, 1997
Applicant.) Published: May 18, 1999
)

APPLICANT'S NOTICE OF RELIANCE NO. 8 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES AND ON OFFICIAL RECORDS

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents except that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Pursuant to CFR § 2.122(e) and TBMP § 704.03(b)(1)(A), the file history of a registration owned by another party may be introduced by a party as part of its evidence in an inter partes proceeding before the Board by Notice of Reliance. Attached as Exhibit 169 is a true and correct copy of the following document which is an official record that was produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Bates Range	Description
169	Applicant 00100 – Applicant 00209	United States Patent & Trademark Office file history for Registration No. 1,844,953 (S/N: 74/094,681).

As the pages attached as Applicant's Exhibit 169 are an official record, and the contents are not reasonably subject to dispute and are moreover capable of immediate and accurate determination, the requirements of 37 CFR § 2.122(e) and TBMP § 704.03(b)(1)(A) are satisfied.

Applicant hereby gives Notice that it will rely upon this document. The document is relevant in this action to demonstrate the following: (a) that California limited its channels of trade to University-owned bookstores; (b) that the Applicant's mark is dissimilar in sight, sound and meaning; (c) that the nature of the goods are different because they are tied to fan-related products; (d) that there is no overlap in channels of trade; and (e) significant and material errors in the prosecution and maintenance of Registration No. 1,844,953.

[SPACE INTENTIONALLY LEFT BLANK]

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John/C McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

151 Meeting Street

Post Office Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Attorneys for University of South Carolina

CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

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☐ Specimens Acceptable for Class(es) [
☐ Bulky Specimens with Examining Attorney
☐ Drawing Acceptable for Printing
☐ Clerical Instructions Inside

NOTES TO THE FILE AND APPLICATION

DATE

(All Entries Should Be Dated and Initialed)

INITIALS

695 TOWN CENTER DRIVE COSTA MESA, CALIFORNIA 92626-1924 TELEPHONE (714) 668-6200

> TOWER 42 25 OLD BROAD STREET LONDON ECZN IHO TELEPHONE (44) (20) 7562 4000

399 PARK AVENUE NEW YORK, NEW YORK 10022-4697 TELEPHONE (ZIZ) 318-6000

WRITER'S DIRECT ACCESS

(213) 683-6333 jsridout@phjw.com 555 SOUTH FLOWER STREET
LOS ANGELES, CALIFORNIA 90071-2371

TELEPHONE (213) 683-6000

INTERNET WWW.Dhiw.com

HODERT P. HASTINGS HEID-1996! COMMED LEL 1: PAUL LEONAHO S. JANOPSKY

December 27, 2000

345 CALIFORNIA STREE" SAN FRANCISCO, CALIFORNIA 94104-2635 TELEPHONE 14151 835-1600

IOSS WASHINGTON BOULEVARD STAMFORD, CONNECTICUT OG901-2217 TELEPHONE (203) 961-7400

> ARK MORI BUILDING 12-32, AKASAKA I-CHOME MINATO-KU, TOKYO 107, JAPAN TELEPHONE 1031 3586-4711

1299 PENNSYLVANIA AVENUE, N W WASHINGTON, D.C. 20004-2400 TELEPHONE (202) 508-9500

OUR FILE NO

20693.61976

VIA EXPRESS MAIL

The Assistant Commissioner for Trademarks BOX POST REG - FEE 2900 Crystal Drive Arlington, Virginia 22202-3513 Attention: Ms. Patricia A. Everett HORIZAN DE ANTON EDINAMENTA

12-27-2000 U.S. Patent & TMOto/TM Mail Ropt Dt. #70

Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844,953

Dear Sir or Madam:

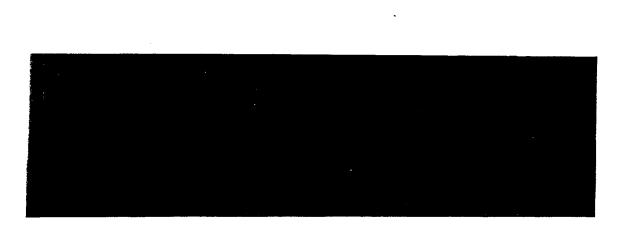
Thank you for your letter dated October 13, 2000 in which you request a substitute Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844,953, together with additional specimens of the mark as used in commerce. In response to your letter, enclosed please find the following materials for filing with your office:

(1) Substitute Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844.953; and

(2) Specimens of the mark showing the mark as currently used in commerce in International Classes 6, 18 and 24. Please note that an actual specimen of goods showing the mark as used in commerce in Class 6 is enclosed herewith, and photographic reproductions of goods showing the mark in Classes 18 and 24 are enclosed due to the difficulty in supplying actual specimens which would conform with your size requirements. We understand that photographic reproductions of goods have been accepted by your office in previous correspondence sent by the registrant under similar circumstances.

Applicant's Ex. No. 16 Pd. No. 4

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



695 TOWN CENTER DRIVE A MESA, CALIFORNIA 92626-1924 TELEPHONE (714) 668-6200

TOWER 42
25 OLD BROAD STREET
LONDON EC2N IHO
TELEPHONE (44) (20) 7562 4000

399 PARK AVENUE NEW YORK, NEW YORK 10022-4697 TELEPHONE (212) 318-6000

WRITER'S DIRECT ACCESS

(213) 683-6333 jsridout@phjw.com 555 SOUTH FLOWER STREET

LOS ANGELES, CALIFORNIA 90071-2371

TELEPHONE (213) 683-6000 FACSIMILE (213) 627-0705

INTERNET WWW.phlw.com

POBERT P. HASTINGS (1910-1996)

December 27, 2000

345 CALIFORNIA STREET SAN FRANCISCO, CALIFORNIA 94104-263S TELEPHONE (415) 835-1600

IOSS WASHINGTON BOULEVARD AMFORD, CONNECTICUT OS901-2217 TELEPHONE (203) 951-7400

ARK MORI BUILDING 12-32, AKASAKA I-CHOME IINATO-KU, TOKYO 107, JAPAN TELEPHONE 1031 3586-4711

1299 PENNSYLVANIA AVENUE, N.W. WASHINGTON, D.C. 20004-2400 TELEPHONE (202) 508-9500

20693.61976

VIA EXPRESS MAIL

The Assistant Commissioner for Trademarks **BOX POST REG - FEE** 2900 Crystal Drive Arlington, Virginia 22202-3513 Attention: Ms. Patricia A. Everett

12-27-2000 U.S. Patent & TMOR:/TM Mail Rept Dt. \$70

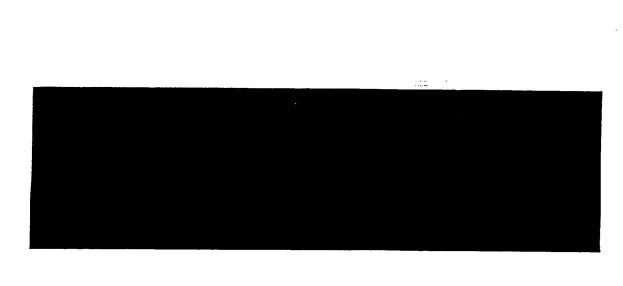
Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844,953

Dear Sir or Madam:

Thank you for your letter dated October 13, 2000 in which you request a substitute Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844,953, together with additional specimens of the mark as used in commerce. In response to your letter, enclosed please find the following materials for filing with your office:

Substitute Combined Affidavit of Use and Incontestability for the "SC" (1)Mark, Registration No. 1,844,953; and

Specimens of the mark showing the mark as currently used in commerce in International Classes 6, 18 and 24. Please note that an actual specimen of goods showing the mark as used in commerce in Class 6 is enclosed herewith, and photographic reproductions of goods showing the mark in Classes 18 and 24 are enclosed due to the difficulty in supplying actual specimens which would conform with your size requirements. We understand that photographic reproductions of goods have been accepted by your office in previous correspondence sent by the registrant under similar circumstances.



The Assistant Commissioner for Trademarks December 27, 2000 Page 2

Please contact the undersigned should you have any questions regarding the application.

Very truly yours,

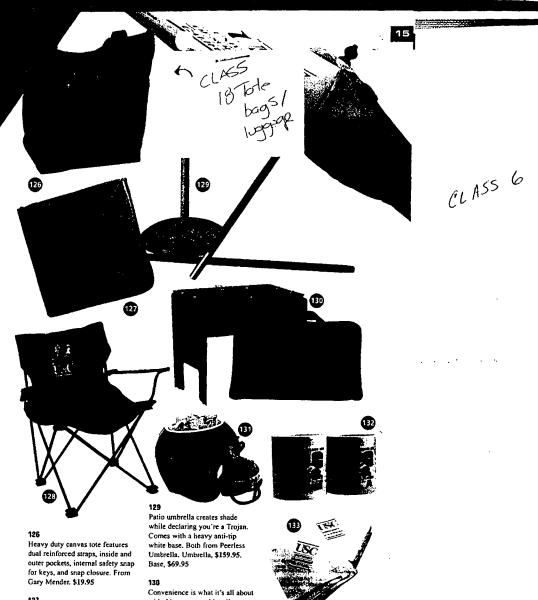
Josh S. Ridout for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures

Carol Mauch, Esq. (w/encls.)

Ms. Elizabeth Kennedy (w/encls.)

Michael K. Lindsey, Esq. (w/o encls.)



Victory blanket from Gear for Sport has hood comer that makes it wearable if you want. Fleece lined with rain-resistant outer. \$79.95

128

From Leisure X, full size, comfortable ann chair emerges from its own carry case. Easy to tote. Made of sturdy Cordura. \$69.95

with this very portable tailgate grill from R&D Specialty. Generous 13" x 21" cooking area. Folds into its own carry case.

131

Talk about making a statement! This USC helmet snack bowl and tray from PK Products includes a plastic tub under the helmet top and a two-part tray at the chin guard. \$46.95

132 Oversize mugs focus on the

teams you love to hate. Both from R&D Specialty. Choose UCLA or Notre Dame versions (or both). \$9.95 each

Napkins with cardinal imprint, package of 25 each, from R&D Specialty in your choice of dinner size or cocktail size. \$4.95 each

1-800-447-8620

ALUMNI

Two-piece vehicle floor mat set fits most cars. Cardinal with cardinal and gold appliqué on top, rubber gripper bottom. From Haig Industries, \$49.95

135

Car license frames from R&D Specialty in your choice of distinctive designs: (A) Trojans on top, USC below in block letters or (B) Alumni on top, USC below. Each in either brass or chrome at \$38,00

136
From Strand Art, your choice of car license frames with striped background: (A) Alumni on top, University of Southern California below or (B) Trojans on top, University of Southern California below. Each in either brass or chrome at \$38.00

137

You're ready for auto emergencies with this kit that includes a battery jumper cable, flashlight, tie-down cord, road flares and emergency blanket all in a zippered case. From R&D Specialty. \$74.95

38

Three transport options with pull strap and dual wheels, heavily padded shoulder strap, or dual wrapped carry straps on this duffle on wheels from Gear for Sports. Pouch pocket on top, full length outer zipped pocket, interior zippered pocket. Reinforced bottom panel. \$134.95

MATUMNIN

139

Gear for Sports garment bag has snap closures, interior and external zipped pocks, padded shoulder strap. \$54.95

www.uscthestore.com

108

Toss Tommy around. From Gibson Greetings, a Silly Slammer stuffed Trojan head. Plays the fight song and declares "Go Trojans!" on impact. \$7.95

10!

"The Heritage of USC" highlights the outstanding architecture and beautiful campus of USC in a 48 page picture book. \$19.95

118

3' x 5' flag with appliquéd design is double sided, with header and brass grommets. From University Flag & Blanket, \$49.95

111

Desk folders from Dart feature the durability of vinyl with the look of leather. Interior diagonal pocket, business card slots, pen loop and letter-sized pad included. Your choice of (A) seal or (B) logo design in gold on burgundy (shown) or black. \$18.95 each

112

For four-legged Trojan fans, a sturdy leash from Pets Collegiate Wear, with swivel snap. \$17.95

113

A matching dog collar from Pets Collegiate Wear has buckle closure. 16", 20", 24", 26" or 28", \$16.95

114

Tommy Trojan USC flag from R&D Specialty is 28" x 48". Leather tabs, pole connection. \$26.95

115

House banner with appliqué is 2'x3'. From University Flag & Blanket. \$39.95

116

8 oz. USC candles contained in a can for easy portability, from Collegiate Candle. Your choice of citrus or melon. \$12.50 each

117

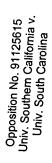
Glass holds a USC candle from Collegiate Candle, \$14.95

ĈL^{ASS} 6

USC CLASS Cloth 2A Tlad 2A

Ex. No. 69, Pq. No. 9









Created by Reyn Spooner for Team Trojan, this cotton-poly shirt combines Trojan designs with Hawaiian motif in reverse print. M, L, XL, XXL. \$62.50

A see-through tube holds three Wilson golf balls and a supply of tees. From R&D Specialty. \$9.95 Protect your golf clubs with plush velour outside, fleecelining inside, with this set of four covers by R&D Specialty. \$85.00/set

122

Jones Sports built this golf bag for convenience and strength. Lots of storage pockets inside and out, with a handy resting stand on the outside, plus its light weight. Padded carry strap, In cardinal. \$198.95

of V-neck or crew neck. Natural, with cardinal embroidery. S, M, L, XL, XXL. \$69.95

The Links Collection features heavy duty cotton golf towel with gold embroidery. \$14.95

Lexel True Tac putter with graphite shaft helps you win the game while declaring your Trojan allegiance. From R&D Specialty. \$99.95

www.uscthestore.com

il ASS 6



Applicant's Ex. No. [4], Pg. No. [1]

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

S95 FOWN CENTER DRIVE COSTA MESA, CALIFORNIA 92825-1944 TELEPHONE (714) 668-620-1

TOWER 42 25 OLD BROAD STREET LONDON EC2N IHO TELEPHONE (44) (20) 7562 4000)

WRITER'S DIRECT ACCESS

(213) 683-6333 jsridout@phjw.com

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555 SOUTH FLOWER STREET

LOS ANGELES. CALIFORNIA 90071-2371

TELEPHONE (2:3) 683-6000

FACSIMILE 12131 627-0709 INTERNET WWW Phiw com

ROBERY P HASTINGS (1910-1946)
COUNSEL
LEG G PAUL
LEONARO S JANOPSKY
CHARLES M WALKER

December 27, 2000

MIL YALIFOHNIA STHEET HANCISCO CALIFORNIA SHC TELEPHONE (415) 835-1600

ORK WASHINGTON BOULEVARD FELSPHONE ISOSI 961-7400

ARK MORI BUILDING

12 12 AKASAKA I-CHOME
MINATOLAU TOKYO 107, JAPAN
TELEPHONE (03) 3586-4711

299 PENNSTLVANIA AVENUE, N.W. MASHINGTON D.C. 20004-2400 DOZĒ-802 ISOSI SVOHQET

OUR FILE NO

20693.61976

VIA EXPRESS MAIL

The Assistant Commissioner for Trademarks **BOX POST REG - FEE** 2900 Crystal Drive

Arlington; Virginia 22202-3513.

Attention: Ms. Patricia A. Everett

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12-27-2000

U.S. Patent & TMOIc/TM Mail Rept Dt. 970

Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration Re: No. 1,844,953

Dear Sir or Madam:

Thank you for your letter dated October 13, 2000 in which you request a substitute Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration No. 1,844,953, together with additional specimens of the mark as used in commerce. In response to your letter, enclosed please find the following materials for filing with your office:

Substitute Combined Affidavit of Use and Incontestability for the "SC" (1) Mark, Registration No. 1,844,953; and

Specimens of the mark showing the mark as currently used in commerce (2) in International Classes 6, 18 and 24. Please note that an actual specimen of goods showing the mark as used in commerce in Class 6 is enclosed herewith, and photographic reproductions of goods showing the mark in Classes 18 and 24 are enclosed due to the difficulty in supplying actual specimens which would conform with your size requirements. We understand that photographic reproductions of goods have been accepted by your office in previous correspondence sent by the registrant under similar circumstances.

Ex. No. 69, Pg. No. 12

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

The Assistant Commissioner for Trademarks December 27, 2000 Page 2

Please contact the undersigned should you have any questions regarding the application.

Very truly yours.

Jus. of

Josh S. Ridout for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures

cc: Carol Mauch, Esq. (w/encls.)

Ms. Elizabeth Kennedy (w/encls.) Michael K. Lindsey, Esq. (w/o encls.)

> Applicant's Ex. No. **I'4**, Pg. No. **I'3**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

UNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Registrant:

University of Southern California, a California non-profit corporation

Trademark:

SC

1,844,953

Registration No.: Class Nos.:

6, 18, 24, 25

12-27-2000

Registration Date:

July 12, 1994

U.B. Patent & TMOfc/TM Mail Ropt Ot. #70

Combined Affidavit of Use and Incontestability

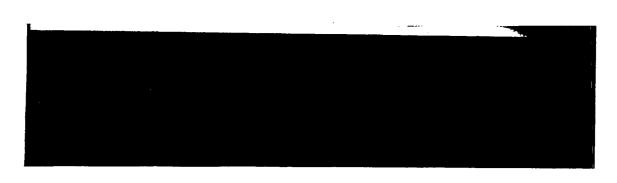
Dennis F. Dougherty, Senior Vice President of University of Southern California, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document, declares that the University of Southern California, a California non-profit corporation, owns the above identified registration issued July 12, 1994 as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five (5) consecutive years from the date of the registration or the date of publication under Section 12(c)(6) to the present, on or in connection with the goods specified in the registration; that such mark is still in use as evidenced by the enclosed specimens showing the mark as currently used; that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods and services, or to the registrant's right to register the same or to keep the same on the register; that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

Dated: Detember 18, 2000

UNIVERSITY OF SOUTHERN CALIFORNIA, a California non-profit corporation

Dennis F. Dougherty Senior Vice President Applicant's x. No.**169** , Pg. No. **14**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



Applicant:

SC

University of Southern California, a California non-profit corporation

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: Date of Deposit: December 27, 2000

I hereby certify that the attached Combined Affidavit of Use and Incontestability, specimens and transmittal letter are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: The Assistant Commissioner for Trademarks, BOX POST REG - FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, Attention: Ms. Patricia A. Everett.

Debra Zilinsky

Legal Secretary / PAUL, HASTINGS, JANOFSKY & WALKER LLP

Attorneys for Applicant

Twenty-Third Floor

555 South Flower Street

Los Angeles, California 90071

(213) 683-6000

Applicants x. No. **6** Pg. No. **15**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

COMMISSIONER FOR TRADEMARKS 2000 CRYSTAL DRIVE ARLINGTON, VA 22202-3515 www.usofo.gov

October 13, 2000

Josh S Ridout Paul Hastings Janofsky & Walker LLP 555 S Flower St Los Angeles CA 90071-2371

In re: Registration No. 1844953 for the mark SC

File No.: 20693.61976

The Sections 8 & 15 Combined Affidavit submitted on July 12, 2000 is refused for the following reason(s):

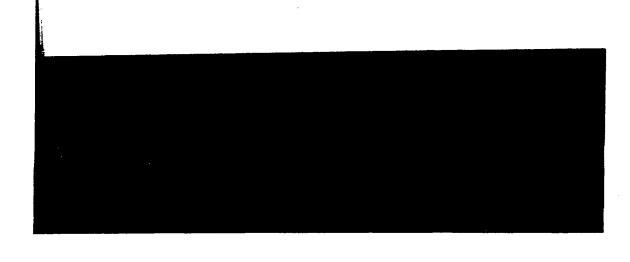
This registration contains 4 classes of goods/services, but the owner submitted specimen(s) for only 1 class(es). The Section 8 Affidavit must include one specimen for each class of goods/services showing current use of the mark. 37 C.F.R. §2.161(g). Therefore, the owner must submit specimen(s) for class(es) 6, 18 and 24 and submit a declaration in accordance with 37 C.F.R. §2.20 that the substitute specimen was in use in commerce during the relevant period for filing the 6-year Section 8. Failure to submit the required specimen(s) for class(es) 6, 18 and 24) will result in the cancellation of those classes.

To verify the information required above, the owner must submit a substitute affidavit or declaration in accordance with 37 C.F.R. §2.20. The following is a properly worded declaration in accordance with 37 CFR §2.20.

Sample Declaration

The owner was using the mark in commerce on or in connection with the goods/services identified in the registration for which use of the mark in commerce is claimed, as evidenced by the submitted specimen, during the relevant period for filing the 6-year Section 8, that is, between the 5th and 6th year anniversary after the date of registration or the date of publication under 15 U.S.C. §1062(c).

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statement may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.



Signature	
Typed or Printed Name	
Date	

A COMPLETE RESPONSE MUST BE RECEIVED WITHIN 6 MONTHS FROM THE MAILING DATE OF THIS OFFICE ACTION. THE OWNER MUST COMPLY WITH ALL REQUIREMENTS SET FORTH IN THIS LETTER TO AVOID CANCELLATION OF THE REGISTRATION.

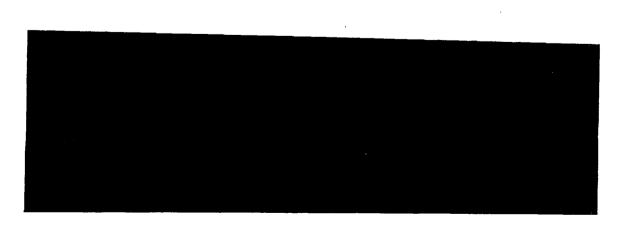
PLEASE NOTE THAT A \$100 DEFICIENCY SURCHARGE MUST BE PAID IF THE RESPONSE IS RECEIVED AFTER JANUARY 12, 2001, THE END OF THE GRACE PERIOD.

Patrice A LUERETT

Patricia A Everett Affidavit/Renewal Examiner Post Registration Division Office of Trademark Services (703) 308-9500 Ext 132 FAX (703) 308-7178

Applicant's Ex. No. **[6**], Pg. No. **[7**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



(299 PENNSYLVANIA AVENUE, N.W WASHINGTON, D.C. 20004-2400 TELEPHONE (202) 508-9500

595 TOWN CENTER DRIVE A MESA, CAUFORNIA 92626-1924 TELEPHONE (714) 568-6200

TOWER 42 25 OLD BROAD STREET LONDON EC2N IMO TELEPHONE (44) (20) 7562 4000

399 PARK AVENUE NEW YORK, NEW YORK 10022-4697 TELEPHONE (2121 318-6000

555 SOUTH FLOWER STREET

IAW OFFICES OF

LOS ANGELES, CALIFORNIA 90071-2371

TELEPHONE (213) 683-6000

FACSIMILE (213) 627-0705

INTERNET WWW.phiw.com

July 12, 2000

WRITER'S DIRECT ACCESS

(213) 683-6333 jsridout@phjw.com

VIA EXPRESS MAIL

The Assistant Commissioner for Trademarks **BOX POST REG - FEE** 2900 Crystal Drive Arlington, Virginia 22202-3513

> Combined Affidavit of Use and Incontestability for the "SC" Mark, Registration Re: No. 1,844,953

Dear Sir or Madam:

For filing with your office, enclosed please find the following materials:

- Combined Affidavit of Use and Incontestability for the "SC" Mark, (1) Registration No. 1,844,953;
 - A specimen of the mark showing the mark as currently used in commerce; (2)

and

Paul, Hastings, Janofsky & Walker LLP check in the amount of \$1,200.00 (3) for the applicable filing fee.

Please contact the undersigned should you have any questions regarding the application.

Very truly yours,

Josh S. Ridout for PAUL, HASTINGS, JANOFSKY & WALKER LLP

Enclosures

Carol Mauch, Esq. (w/encls.) Ms. Elizabeth Kennedy (w/encls.)

Michael K. Lindsey, Esq. (w/o encls.)

#8

07-12-2000 U.S. Patent & TMOfo/TM Mail Ropt Dt. #81

JNITED STATES DEPARTMENT OF COMMERCE Patent and Trademark Office

Registrant:

University of Southern California, a California non-profit corporation

Trademark:

Registration No .:

1,844,953

Class Nos.:

5, 18, (24,) 25

Registration Date:

July 12, 1994

Combined Affidavit of Use and Incontestability

Dennis F. Dougherty, Senior Vice President of Dennis F. Dougherty, Senior Vice President of University of Southern California, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this document, declares that the University of Southern California, a California non-profit corporation, owns the above identified registration issued July 12, 1994 as shown by records in the Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five (5) Patent and Trademark Office; that the mark shown therein has been in continuous use in interstate commerce for five (5) consecutive years from the date of the registration or the date of publication under Section 12(c)(6) to the present, on or in connection with the goods specified in the registration; that such mark is still in use as evidenced by the enclosed specimens showing the mark as currently used; that there has been no final decision adverse to registrant's claim of ownership of such mark for such goods and services, or to the registrant's right to register the same or to keep the same or registrant's right to register the same or to keep the same on the register; that there is no proceeding involving said rights pending and not disposed of either in the Patent and Trademark Office or in the courts; and that all statements made of his own knowledge are true and all statements made on information and belief are believed to be true.

July

12

UNIVERSITY OF SOUTHERN CALIFORNIA, a California non-profit corporation

mus (C#8888121 1844953 DALLEY

Dennis F. Dougherry Senior Vice President Administration81 FC:372

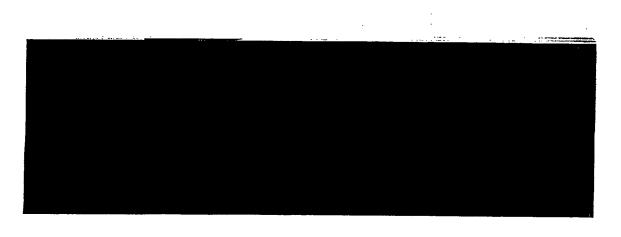
489.88 OP

888.98 DP

R2 FC:373

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's



Mark: Applicant:

SC

University of Southern California a California non-profit corporation

CERTIFICATE OF EXPRESS MAILING

"Express Mail" mailing label number: EL520891509US Date of Deposit: July 12, 2000

I hereby certify that the attached Combined Affidavit of Use and Incontestability, specimen, filing fee and transmittal letter are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: The Assistant Commissioner for Trademarks, BOX POST REG - FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.

Guillemette Domont

Legal Secretary

PAUL, HASTINGS, JANOFSKY & WALKER LLP

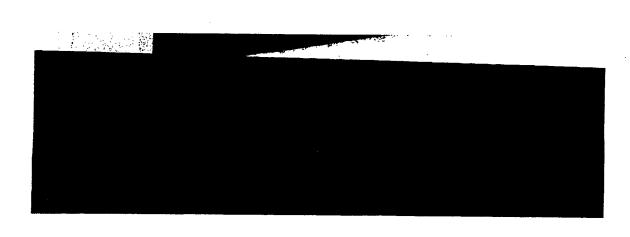
Attorneys for Applicant

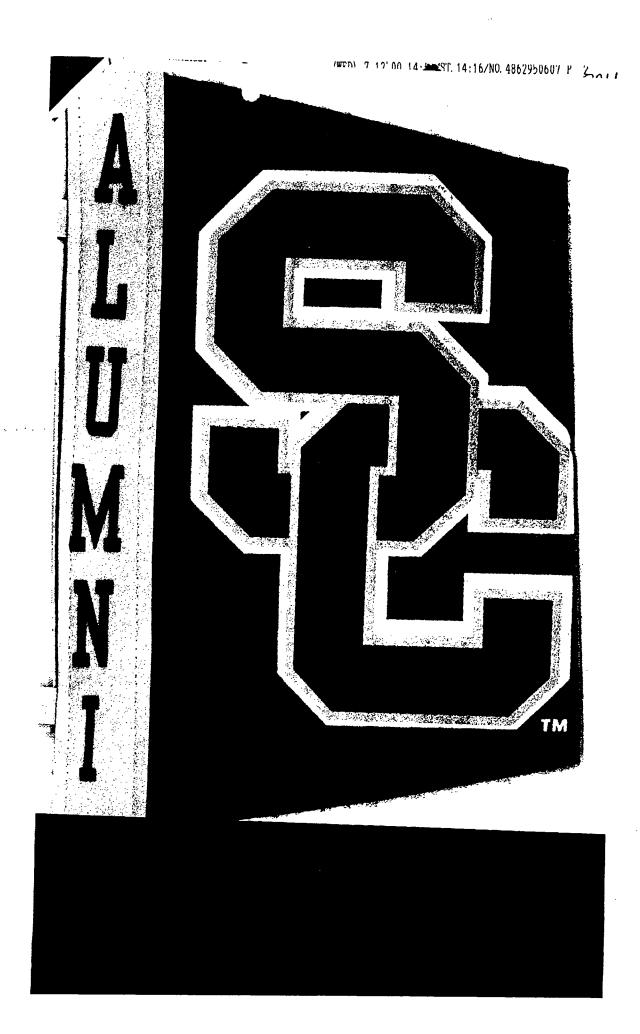
Twenty-Third Floor

555 South Flower Street

Los Angeles, California 90071

(213) 683-6000





Int. Cls.: 6, 18, 24, and 25

Prior U.S. Cls.: 3, 13, 25, 28, 39, 41, 42, and 50

Reg. No. 1,844,953 United States Patent and Trademark Office Registered July 12, 1994

TRADEMARK PRINCIPAL REGISTER

SC

UNIVERSITY OF SOUTHERN CALIFORNIA (CALIFORNIA CORPORATION) UNIVERSITY PARK LOS ANGELES, CA 90089

FOR: KEYRINGS OF NON-PRECIOUS METALS; DECORATIVE EMBLEMS OR PLATES OF NON-PRECIOUS METAL, FOR ATTACHMENT TO AUTOS; ART WORK STATUARY OF NON-PRECIOUS METALS, ALL GOODS BEING OFFERED AND SOLD TO PERSONS THROUGH UNIVERSITY AUTHORIZED CHANNELS OF TRADE, IN CLASS 6 (U.S. CLS. 13, 25, 28 AND 50).

FIRST USE 0-0-1926 IN COMMERCE

FIRST USE 0-0-1926; IN COMMERCE 0-0-1978.

G-0-1978.

FOR: UMBRELLAS, HAND LUGGAGE.

TOTE BAGS, LUGGAGE, NAMELY, TOTE

BAGS, HAND LUGGAGE, GARMENT BAGS

FOR TRAVEL, AND SMALL TRAVELING

BAGS FOR OVERNIGHT TRIPS, FANNY

PACKS, TOILETRY BAGS SOLD EMPTY,

BRIEFCASES, BACK PACKS, ALL GOODS

BEING OFFERED AND SOLD TO PERSONS

THROUGH UNIVERSITY AUTHORIZED CHANNELS OF TRADE, IN CLASS 18 (U.S.

CLS. 3 AND 41).
FIRST USE 0-0-1926; IN COMMERCE

FOR: TOWELS, BLANKETS, CLOTH PEN-NANTS, AND CLOTH FLAGS, ALL GOODS BEING OFFERED AND SOLD TO PERSONS THROUGH UNIVERSITY AUTHORIZED CHANNELS OF TRADE, IN CLASS 24 (U.S. CLS. 42 AND 50). FIRST USE

0-0-1926; IN COMMERCE 0-0-1987.

FOR: SWEATSHIRTS AND T-SHIRTS, ALL GOODS BEING OFFERED AND SOLD AT UNI-VERSITY-CONTROLLED OUTLETS, IN CLASS 25 (U.S. CL. 39). FIRST USE

USE 0-0-1926; IN COMMERCE 0-0-1987.

SN 74-094,681, FILED 9-5-1990.

KATHERINE STOIDES, EXAMINING ATTOR-

ATTY DOCKET 80-283

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

SERIAL NO.

University of Southern

California

74/094,681

CLASSES:

MARK:

SC

EXAMINER:

KATHERINE Stoides

LAW OFFICE: 15

FILED:

9/5/90

NOTICE OF ALLOWANCE: 7/20/93

Commissioner of Patents & Trademarks Washington, D.C. 20231

APPLICANT'S STATEMENT OF USE UNDER 37 C.F.R. §2.88

Dear Sir:

- I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom, declare that:
- I am authorized to execute this Statement of Use on behalf of the applicant University of Southern California, and I hold the corporate officership identified below.
- I believe that the applicant is the owner of the mark sought to be registered.
- For classes 6, 18, 24, & 25 Applicant is using the mark in commerce on all of the goods of those classes in the Notice of Allowance.

CL

First Use Anywhere: 1926 First Use in Commerce: 1978

Type of Commerce: Interstate

Mode of Use: Applied to the goods and/or their labels

4. As proof of use, facsimiles showing the mark used on goods of classes 6, 18, 24 & 25 are submitted in triplicate with this Statement

- 1 -

400.00 CK 0.363

010 TO 00/08/74 0:00/36%

7/5.9

164 14 '94 02: 55PM

Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

- 5. To the best of my knowledge and belief, no other person, firm, corporation, association or entity has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods or services of such other entity, to cause confusion, or to cause mistake, or to deceive.
- 6. The facts set forth in this Statement of Use are true, and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

UNIVERSITY OF SOUTHERN CALIFORNIA

January 19, 1994

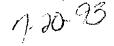
Date

ву:

Dennis F. Dougherty
Senior Vice Fresident
of Administration

Applicant's Ex. No. 164, Pg. No. 24

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



ATTY DOCKET 80-283

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:

SERIAL NO.

University of Southern

California

74/094,681

CLASSES: 6, 18, 24, 25

SERVICEMARK:

Examiner:

Katherine Stoides

Law Office 15

FILED:

Statement of Use Due: 1/20/94

9/5/90

Commissioner of Patents & Trademarks Washington, D.C. 20231

TRANSMITTING 37 CFR 288 STATEMENT OF USE

Dear Sir:

- In response to the <u>July 20, 1993</u> Notice of Allowance, attached is the Statement of Use due <u>January 20, 1994</u>.
- 2. For each class, the Statement of Use includes as specimens three photos and/or facsimiles showing applicant's mark used on goods in the class (6, 18, 24, 25)or their tags.
- 3. Our \$400.00 check # 3785 is also attached as the fee due for a Statement of Use in <u>four</u> classes.

	EXPRESS MAIL MAILING CERTIFICATE
Mailing Label #	IB139957708
	January 20, 1994
U.S. Postal Service on the date indicat	depositing this paper or fee and its attachments and enclosures with the e "Express Mail Post Office to Addressee" service under 37 CFR 1.10 ed above, in an envelope addressed to the Commissioner of Patents & thington, D.C. 20231.
PRINT NAME:	Diane Gilden
SIGNATURE: _	pracepuder
	7

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

PLEASE CHANGE THE CORRESPONDENCE ADDRESS OF APPLICANT'S ATTORNEY TO:

> Bernard R. Gans, Esq. Poms, Smith, Lande & Rose 2029 Century Park East, Suite 3800 Los Angeles, CA 90067

Phone: (310) 788-5000 (unchanged)

5. If any fee remains unpaid, please charge Deposit Account No. 16-2230 of Poms, Smith, Lande & Rose. A duplicate of this letter is enclosed for charging purposes.

David S. Guttman

DSG:mk

POMS, SMITH, LANDE & ROSE 2029 Century Park East, Suite 3800 Los Angeles, California 90067 Phone: (310) 788-5058

Attchs: Stmt, Check

Ex. No. 169, Pg. No. 36 Applicant's

ATTY DOCKET 80-283

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Uni

University of Southern

California

SERVICEMARK:

SC

SERIAL NO.

74/094,681

FILED:

9/5/90

CLASSES: 6, 18, 24, 25

Examiner:

Katherine Stoides

Law Office 15

Statement of Use Due:

1/20/94

Commissioner of Patents & Trademarks Washington, D.C. 20231

TRANSMITTING 37 CFR 288 STATEMENT OF USE

Dear Sir:

- In response to the <u>July 20, 1993</u> Notice of Allowance, attached is the Statement of Use due <u>January 20, 1994</u>.
- 2. For each class, the Statement of Use includes as specimens three photos and/or facsimiles showing applicant's mark used on goods in the class (6, 18, 24, 25)or their tags.
- 3. Our \$400.00 check # $\frac{3785}{}$ is also attached as the fee due for a Statement of Use in <u>four</u> classes.

	EXPRESS MAIL MAILING CERTIFICATE
Mailing Label #	IB139957708
	January 20, 1994
I certify that I am o U.S. Postal Servic on the tlate indica	depositing this paper or fee and its attachments and enclosures with the e "Express Mail Post Office to Addressee" service under 37 CFR 1.10 ted above, in an envelope addressed to the Commissioner of Patents & shington, D.C. 20231. Diane Gilden

Applicant's Ex. No. 164, Pg. No.

1-20-94

PLEASE CHANGE THE CORRESPONDENCE ADDRESS OF APPLICANT'S ATTORNEY TO:

> Bernard R. Gans, Esq. Poms, Smith, Lande & Rose 2029 Century Park East, Suite 3800 Los Angeles, CA 90067

Phone: (310) 788-5000 (unchanged)

5. If any fee remains unpaid, please charge Deposit Account No. 16-2230 of Poms, Smith, Lande & Rose. A duplicate of this letter is enclosed for charging purposes.

Thank you,

David S. Guttman

POMS, SMITH, LANDE & ROSE 2029 Century Park East, Suite 3800 Los Angeles, California 90067 Phone: (310) 788-5058

Attchs: Stmt, Check

DSG:mk

Applicant's Ex. No. 164, Pg. No. 38





The MARK identified below was published for opposition under 15 U.S.C. Section (062(a). No successful opposition was filed. In order to obtain a registration. Applicant must file a statement of use under 15 U.S.C. Section 1051(JH) within six months of the MAILING DATE OF NOTICE identified below. A six-month extension of time to file the statement of use will be granted upon proper request. Subsequent six-month extensions will be granted, for a period not to exceed twenty-four months, if good cause is shown. 15 U.S.C.1051(d)(2), Pailure to timely file or perfect a statement of use or request for extension of time will result in abandonment of the application. The requirements for each are set forth at 37 C.F.R. Sections 2.88 and 2.89.

74/094681

Bernard R. Gans Poms, Smith, Lande & Rose, P.C. 2121 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067-5010

ATTORNEY REFERENCE NUMBER

PLEASE REVIEW THE ACCURACY OF THE NOTICE OF ALLOWANCE DATA

A request for correction to the notice of allowance should be submitted within 30 days to the following address: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231. The correspondence should be marked to the attention of BOX ITU. The Patent and Trademark Office will review the request and make corrections where appropriate.

SERIAL NUMBER: 74/094681

MARK: SC

OWNER NAME: University of Southern California

OWNER ADDRESS: University Park

Los Angeles CALIFORNIA 90089

MAILING DATE OF NOTICE: 07/20/1993

GOODS/SERVICES BY INTERNATIONAL CLASS

006-keyrings of non-precious metals; decorative emblems or plates of non-precious metal, for attachment to autos; art work statuary of non-precious metals, all goods being offered and sold to persons through university authorized channels of trade

O18-umbrellas, hand luggage, tote bags, luggage; namely, tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips, fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through university authorized

024-towels, blankets, cloth pennants, and cloth flags, all goods being offered and sold to persons

through university authorized channels of trade 025-sweatshirts and T-shirts, all goods being offered and sold at university-controlled outlets ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

I HADEMARK TRIAL AND THE UNITED STATES PATENT AND TRADEMARKPRETRICEARD

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

93 JAN 15 PH 4: 48.

rime for filing a notice of epposition is extended to 1 4 FEB 1993

> Trademark Brief and Appeal Board

2 6 JAN 1993

Combined International Classes 6, 18, 24, 25

Attorney Docket No.: 1591.500100

In re Application for Trademark Registration of:

UNIVERSITY OF SOUTHERN CALIFORNIA

Serial No.: 74/094,681

Filed: September 5, 1990

For: SC

REQUEST FOR FOURTH EXTENSION OF TIME

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 2.102, it is hereby requested that the time for filing an Opposition against the above-captioned combined intent-to-use application for registration in International Classes 6, 18, 24 and 25, which was published in the August 18, 1992, issue of the <u>Trademark Official Gazette</u>, be extended for an additional 30 days, i.e., until Sunday, February 14, 1993.

This request is being filed on behalf of Spelman College, a Georgia corporation located at 350 Spelman Lane, Atlanta, Georgia 30314.

The additional time is needed to continue and conclude ongoing negotiations between Applicant and Spelman College concerning the application. Spelman College has made a written proposal to Applicant for a possible agreement that

Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

would obviate the need for Spelman College to oppose the application. Applicant has taken the proposal under advisement.

Applicant's counsel of record, David S. Guttmann, Esq., was contacted by counsel for Spelman College in October, 1992, regarding the subject application. At that time, counsel for Spelman College was referred to Applicant's in-house counsel, J. Andrew Coombs, Esq., for further negotiations regarding the application. Negotiations are still ongoing between Applicant's in-house counsel, Mr. Coombs, and counsel for Spelman College. Mr. Coombs has orally consented to this additional 30-day extension of time to oppose.

Please direct all correspondence for Spelman College regarding this matter to the undersigned.

Respectfully submitted,

John W. Behringer

Leo J. Jennings

FITZPATRICK, CELLA, HARPER & SCINTO 277 Park Avenue New York, New York 10172 (202) 347-8100

Attorneys for: Spelman College

January 15, 1993

F505\W38906\IWR\IJI\shm

Applicant's attorney, David S. Guttman, Esq., with offices at Poms, Smith, Lande & Rose, 2121 Avenue of the Stars, Suite 1400, Los Angeles, California 90067; and

J. Andrew Coombs, Esq., with offices at University of Southern California, University Park, Los Angeles, California 90089-5013.

John W. Behringer

F505\W38906\JWB\LJJ\slm

THE UNITED STATES PATENT AND ARADHMARK TO ANICE THE UNITED STATES PATENT AND ADJUST BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD 92 DEC 17 PH 4: 29

In re Application for Trademark Registration of:

UNIVERSITY OF SOUTHERN CALIFORNIA

Serial No.: 74/094,681

Filed: September 5, 1990

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

For: SC

Combined International Classes 6, 18, 24, 25

Attorney Docket No .: 1591.500100

REQUEST FOR THIRD EXTENSION OF TIME

2 2 DEC 1992

fine for filing a notice or opposition is ear

Sir:

Pursuant to 37 C.F.R. § 2.102, it is hereb requested that the time for filing an Opposition against the above-captioned combined intent-to-use application for registration in International Classes 6, 18, 24 and 25, which was published in the August 18, 1992, issue of the Trademark Official Gazette, be extended for an additional 30 days, i.e., until Friday, January 15, 1993.

This request is being filed on behalf of Spelman College, a Georgia corporation located at 350 Spelman Lane, Atlanta, Georgia 30314.

The additional time is needed to continue and conclude ongoing negotiations between Applicant and Spelman College concerning the application. Spelman College has made a written proposal to Applicant for a possible agreement that

would obviate the need for Spelman College to oppose the application. Applicant has taken the proposal under advisement.

Applicant's counsel of record, David S. Guttmann, Esq., was contacted by counsel for Spelman College in October, 1992, regarding the subject application. At that time, counsel for Spelman College was referred to Applicant's in-house counsel, J. Andrew Coombs, Esq., for further negotiations regarding the application. Negotiations are ongoing between Applicant's in-house counsel, Mr. Coombs, and counsel for Spelman College. Mr. Coombs has orally consented to this additional 30-day extension of time to oppose.

Please direct all correspondence for Spelman College regarding this matter to the undersigned.

Respectfully submitted,

John W. Behringer Leo J. Jennings

FITZPATRICK, CELLA, HARPER & SCINTO 277 Park Avenue
New York, New York 10172 (202) 347-8100

Attorneys for: Spelman College

December 16, 1992

F505\W37397\JWB\LJJ\slm



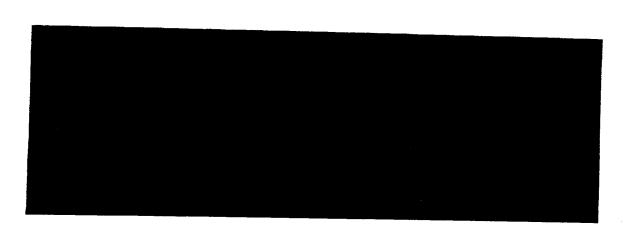
I hereby certify that a true copy of the foregoing has been furnished, by U.S. mail, postage prepaid this 444 day of December, 1992, to:

Applicant's attorney, David S. Guttman, Esq., with offices at Poms, Smith, Lande & Rose, 2121 Avenue of the Stars, Suite 1400, Los Angeles, California 90067; and J. Andrew Coombs, Esq., with offices at

University of Southern California, University Park, Los Angeles, California 90089-5013.

John W. Behringer

F505\W37397\FWB\LJI\slm



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application for Trademark Registration of:

UNIVERSITY OF SOUTHERN CALIFORNIA

Serial No.: 74/094,681

Filed: September 5, 1990

For: 8C

Combined International Classes 6, 18, 24, 25

Attorney Docket No .: 1591.500100

1 0 NOV 1992 REQUEST FOR SECOND EXTENSION OF TIME 1 60EC 1992, i.e., Flease note that the time for

O down from the date of is a least of the mark.

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Die: Trodomach Rule 2.103(c), as amended offeeding Pebruary 27, 1983,

Pursuant to 37 C.F.R. § 2.102, it is hereby requested that the time for filing an Opposition against the above-captioned combined intent-to-use application for registration in International Classes 6, 18, 24 and 25, which was published in the August 18, 1992, issue of the Trademark Official Gazette, be extended for an additional 60 days, i.e., until Friday, December 18, 1992. This request is being filed on behalf of Spelman College, a Georgia corporation located at 350 Spelman Lane, Atlanta, Georgia 30314. Applicant and Spelman College have initiated discussions regarding this matter, but additional time is needed to see if an agreement can be reached that will obviate the need for Spelman College to oppose the application.



Respectfully submitted,

John W. Behringer

FITZPATRICK, CELLA, HARPER & SCINTO 277 Park Avenue New York, New York 10172 (202) 347-8100

Attorneys for: Spelman College

October 16, 1992

P501\W33354\JWB\zrg

Applicant's x. No. **164**, Pg. No. **32**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

I hereby certify that a true copy of the foregoing has been furnished, by U.S. mail, postage prepaid this 16th day of October, 1992, to Applicant's attorney, David S. Guttman, Esq., with offices at Poms, Smith, Lande & Rose, 2121 Avenue of the Stars, Suite 1400, Los Angeles, California 90067.

Jøhn W. Behringer

Applicant's Ex. No. **169**, Pg. No. **38**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

42 SEP 1992 IN THE UNITED STATES

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORETHE TRADEMARK TRIAL AND APPEAL BOARD

In re Application for Trademark
 Registration of:

UNIVERSITY OF SOUTHERN CALIFORNIA

Serial No.: 74/094,681

Filed: September 5, 1990

For: sc

Combined International Classes 6, 18, 24, 25

Attorney Docket No.: 1591.500100

REQUEST FOR EXTENSION OF TIME

Honorable Commissioner of Patents and Trademarks Washington, D.C. 20231

Sir:

Pursuant to 37 C.F.R. § 2.102, it is hereby requested that the time for filing an Opposition against the above-captioned combined intent-to-use application for registration in International Classes 6, 18, 24 and 25, which was published in the August 18, 1992, issue of the Trademark Official Gazette, be extended for 30 days, i.e., until Monday, October 19, 1992.

This request is being filed on behalf of Spelman College, a Georgia corporation located at 350 Spelman Lane, Atlanta, Georgia 30314.

days from ______(the date of expiration of the statutory thirty day opposition period) is _______17_001_1992 and the present request is accordingly granted to that date.

granted to that date.

Campbell

Respectfully submitted,

John W. Behringer Elisabeth A. Langworthy

FITZPATRICK, CELLA, HARPER & SCINTO 1001 Pennsylvania Avenue, N.W. Washington, D.C. 20004 (202) 347-8100

Attorneys for: Spelman College

September 16, 1992

F506\W31099\EAL\gmc

Applicant's HO HO

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00139

- 2 -

NOTICE OF PUBLICATION UNDER 12(a)

1. Serial No.: 74/094,681

2. Mark: SC

3. Applicant:
University of Southern California

4. Publication Date: AUG. 18, 1992

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained at \$9.50 each for domestic orders, or at \$11.88 each for foreign orders from:

The Superintendent of Documents U.S. Government Printing Office Washington, D.C. 20402

By direction of the Commissioner.





SERIAL NO.	APPLICAN				PAPER NO.
74/094681 Unive	rsity of South	ern Calif	ornia		1 36
MARK					ADDRESS
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ADDRESS			ACTIO	N NO.	COMMISSIONER OF PATENTS AND TRADEMARKS
Barnard R. Gams			0	-	Washington, D.C. 20231
Poms, Smith, Lar	nde & Rose				The address of all correspondence not containing fee payments
Professional Com 2121 Avenue of t	Poration		1	G DATE	should include the words "Box 5."
Los Angeles, CA	90067-5010	ue (क्छछ		0/08/91	Please furnish the following
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FORM PTO-1525 (5-90)	II C DENT OF COUR		1		ZIP code. 2. Mailing date of this action.
1	U.S. DEPT. OF COMM.	PAI. & TM OFFICE	80-1	283	 Examining Attorney's name and Law Office number.
	TRADEMARK INTE	RVIEW AND AME	NDMENT I	RECORD	
EXAMINING ATTORNEY		PERSON CALLE			
Katherine St				_	APPLICANT
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2. HEXAMINER'S AMENDMEN amended as indicated below. The Examining Attorney has sunder Trademark Act Section Happlicant Nas	earched the Office records a 2(d), 15 U.S.C. Section 10.	nd has found no sin 52 (d) (1986). The (deu-	tilar registe	red or pending ma	rks which would bar registration
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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 169, Pg. No. 41

TED STATES PATENT & TRADEMARK OFFICE

APPLICANT: University of Southern

California

MARK:

SERIAL NO. 74/094,681

FILED:

9/05/90

Commissioner of Patents & Trademarks Washington, D.C. 20231

CLASSES: 6,18,24 & 25

EXAMINER:

Katherine Stoides

LAW OFFICE: | 5

AMENDMENT A

AMENDMENT A

This is in response to the Office Action mailed January 529, 57

for which response is due Monday, July 29, 1991.

1. If any fees are due for or as a conserment, please charge our Deport 1991, for which response is due Monday, July 29, 1991.

Amendment, please charge our Deposit Account 16-2230.

RULE 1.8 CERTIFICATE OF MAILING

Deposit Date:

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service with sufficient postage as first class mail under 37 CFR 1.8 on the date indicated above in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

The person mailing this paper or fee is:

APPLICANT'S ATTORNEY REG. 27,479

No fees are

believed dux. DSS 7/29/91

91 AUG -6 PM 3:33

Ex. No. 164, Pg. No. 43 Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

At page 1, in the paragraph numbered "1.", after the words "the following goods and services:" please delete to the bottom

of the page and substitute the following:

POCB

Class 6: Keyrings of non-precious metals; [decorative of Non-file emblems or plates of non-precious metals for attachment to autos) metal license plate frames; art work statuary of non- precious metals, all goods being offered and sold to persons through University authorized channels of trade;

AS

Class 18: Umbrellas, hand luggage, tote bags, luggage; (mamely tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips), fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through University authorized channels of trade;

Class 24: Towels, blankets, cloth pennants, and cloth flags, all goods being offered and sold to persons through 24/47 Duriversity authorized channels of trade; and

perB

Class 25: Sweatshirts and tashirts, all goods being offered and sold to persons through university authorized channels 25/39

REMARKS

1. GOODS AMENDMENTS DESCRIBED

The Examiner's suggestions for clarifying the goods have generally been adopted without adding any new classes.

IN EACH CLASS:

A limitation of the channels of trade of the goods has been added, namely "all goods being offered and sold to persons through University authorized channels of trade". This wording was used in the same applicant's now Allowed "SOUTHERN CAL" TM Appln. 74/094,678 in Classes 25 and 41, also examined by Examiner Stoides.

Applicant's Ex. No. 169, Pg. No. 144

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

- a. The words "car emblems of nonprecious metals" have been deleted and -- decorative emblems or plates of nonprecious metals for attachment to autos -- substituted. A sketch generally representing how such a decorative emblem might appear and be decoratively affixed to an auto is attached.
- b. The words "license plate frames" have been amended to metal license plate frames --.

IN CLASS 18:

- a. The words "garment bags" have been amended to --garment bags for travel --.
- b. The words "overnight bags" have been deleted and -small traveling bags for overnight trips -- substituted. This is
 a paraphrase of the definition of "overnight bag" as appears in
 the 1986 edition of Webster's Third International Dictionary,
 published by Merriam Webster (see attachment).
- c. The words "toiletry bags" have been amended to -toiletry bags sold empty --.
- d. The word "briefcase" has been pluralized, and the single word "bags" which follows it has been deleted.
- e. The goods "golf bags" and "laundry bags" have been deleted.

IN CLASS 24:

a. The words "pennants and flags" have been amended to -cloth pennants and cloth flags --.

2. TRAVERSALS

Having clarified that the goods of the application are limited to those offered and sold to persons through University authorized channels of trade, applicant respectfully traverses the Section 1052(d) Refusal in Class 25 and asks for reconsideration as to likelihood of confusion with the cited "Sc" design mark of TM Reg. 1,146,441 of Snake Creek Manufacturing Co., Inc.

Applicant's 45

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

- 3 -

Applicant University of Southern California is a nationally famous university that has long also been well known by the shorter names "Southern Cal" and "SC". Particularly with respect to clothing in class 25, see applicant's "SOUTHERN CAL" TM Reg. 1,564,659 (T-shirts). Southern Cal has a strong collegiate licensing program. Please see the attached Trojan Gift Collection, 1990-1991 USC, particularly the "SC" clothing at page 4, item 30; page 14, item 115; page 15, item 118, and page 18, item 145.

Southern Cal's trademarked clothing is offered and sold through university authorized channels of trade to SC's prospective and current students, alumni, fans of its athletic teams, visitors to its campus, and others desiring the cachet of its authentic collegiate-style clothing. Therefore, in such channels of trade prospective buyers encountering Southern Cal's SC-trademarked collegiate clothing are unlikely be confused that it is the "Sc" design marked clothing emanating from Snake Creek Manufacturing Co., Inc. of New York.

Moreover, in this class a number of "SC" clothing marks besides the cited "Sc" Design TM Reg. 1,146,441 already coexist as registrations without likelihood of confusion. See for example the attached copies of "SC" design TM Reg. 506,143 (for socks) owned by Kayser-Roth Corp., "SC" design TM Reg. 984,558 (for neckwear) owned by Superba, Inc.; and "SC" design TM Reg. 1,495,906 (for scarves, hose, etc.) owned by Lifestyle Brands, Ltd. Therefore, given the limitation on channels of trade for Southern Cal's goods, its use of "SC" is also likely to be distinguishable without likelihood of confusion.

6. CONCLUSIONS

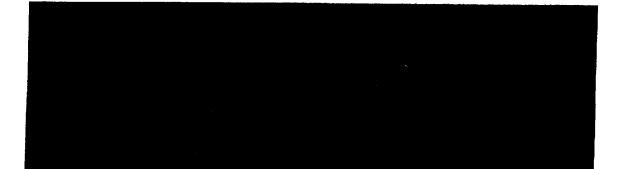
The goods of classes 6, 18, and 24 having been amended to remove outstanding objections to their wording and there being no outstanding basis for refusal, it is submitted that a decision to Publish ought to be granted with respect to classes 6, 18, and 24.

In class 25, for the reasons stated above it is submitted that applicant's proposed use of "SC" in Class 25 is not likely to cause confusion with the cited design mark of TM Reg. 1,146,441. Therefore, a decision to Publish also ought to be granted with respect to class 25, and the application as a whole published.

If any problems remain, the Examiner is respectfully requested to telephone the undersigned attorney (213/788-5058) so

Applicant's Ex. No. 161, Pg. No. 46

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



they can speedily be resolved by a supplemental or Examiner's amendment.

Respectfully submitted.

David S. Guttman Applicant's Attorney POMS, SMITH, LANDE & ROSE 2121 Avenue of the Stars, Suite 1400 Los Angeles, California 90067 (213) 788-5058

Attchs:

"SOUTHERN CAL" TM Appln. 07/094,678

Car Emblem Sketch Definition "Overnight Bag"

"SOUTHERN CAL" TM Reg. 1,564,659

Applicant's Catalog
"SC" design TM Reg. 506,143
"SC" design TM Reg. 984,558 "SC" design TM Reg. 1,495,906

> Ex. No. [69], Pg. No. 47 Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00146

- 5 -

SN 74-094,678. UNIVERSITY OF SOUTHERN CALIFORNIA, LOS ANGELES, CA. FILED 9-5-1990.

SOUTHERN CAL

- OWNER OF U.S. REG. NOS. 1,542,654 AND 1,564,659.

CLASS 25—CLOTHING

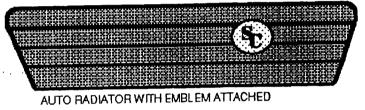
FOR SWEATSHIRTS AND T-SHIRTS, ALL GOODS BEING OFFERED AND SOLD TO PERSONS THROUGH UNIVERSITY AUTHORIZED CHANNELS OF TRADE (U.S. CL. 39).

CLASS 41—EDUCATION AND ENTERTAINMENT

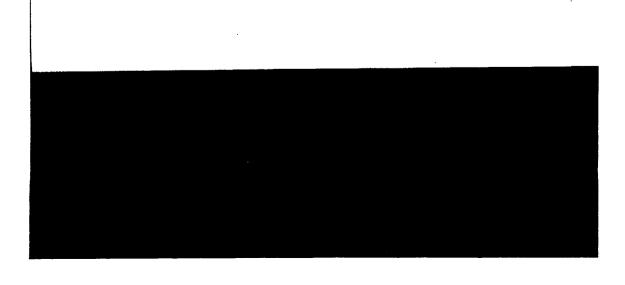
FOR EDUCATIONAL SERVICES AT THE COLLEGE LEVEL AND CONDUCTING ATHLETIC AND CULTURAL EVENTS AND MUSICAL AND DRAMATIC PERFORMANCES (U.S. CL. 107).

As Published: 4/23/91 Notice of Allowance: 7/16/91 Applicant's LS. No. LS. No. LS.

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina







Webster's Third New International Dictionary

OF THE ENGLISH LANGUAGE
UNABRIDGED

a Merriam-Webster

Utilizing all the experience and resources of more than one hundred years of Merriam-Webster® dictionaries

EDITOR IN CHIEF
PHILIP BABCOCK GOVE, Ph.D.
AND

THE MERRIAM-WEBSTER EDITORIAL STAFF

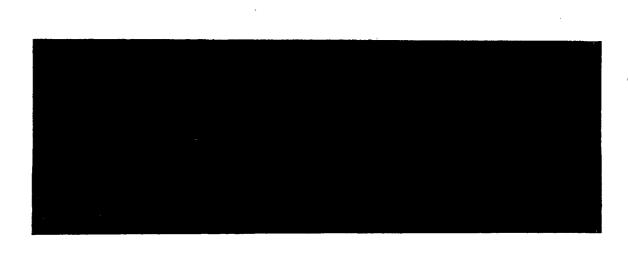
Definition of "overnight bag"



MERRIAM-WEBSTER INC., Publishers springfield, massachusetts, u.s.a.

1986 Edition

Opposition No. 91125615 Applic
Univ. Southern California v.
Ex. No. 164, 1



overnight \!==!=\ adv [ME over night, fr. 20ver + night, n.] 1 a: in the evening before (trying to tell a good story he heard ~ -O.S.J.Gogarty) b: in the interval between two days (allowing the coarser particles to settle out ... \sim -Jour, of Infectious Diseases 0: during the night: till the following morning (stayed with friends ~) 2: with great or extreme speed or suddenness: very quickly or suddenly: all of a sudden (sprang up ~ in answer to a labor need — Amer. Gulde Series: Maine) (no such perfected technique is born $\sim -L.H.$ Appleton) 20vernight \'==,=, ,=='=\ n: the fore part of the night last past the previous evening (his emotional rapture of the \sim George Meredith) **Jovernight** \\ a = \ ad l a : of, relating to, or resulting from the previous evening: done or lasting during the night (an ~ carouse \ (~ laughter is a commodity that I . . . am always ready to buy -Robert Hatch > b: being of the duration of one night $\langle an \sim stop \rangle$: staying one night $\langle \sim guests \rangle$ 2: happening or appearing overnight (became an ~ sensation — Amer. Guide Series: Ind.)

*overnight \"\ vi : to stay overnight (~ed at the official presidential residence — Wilkes-Barre (Pa.) Record) overnight bag or overnight case or over-night-er \....' $nid \cdot a(r) \setminus n - s$: a traveling bag of a size to carry clothing and personal articles for an overnight trip overnight race n: a horse race for which entries close 72 hours (exclusive of Sundays) or less before the first race of the day on which the race is scheduled to be run overnumber \!==!==\ vt, archaic : OUTNUMBER the state of being overorganized

over-organize \"+\ vt : to subject to unduly complex or elaborate organization ~ vi: to adopt an unduly complex or elaborate form of organization over-ornate $\frac{1}{2}$ over-ornate $\frac{1}{2}$ unduly or excessively ornate loverpack \'==. \ vt [lover + pack]: to pack in an overpack overpack \"\ n: a wooden or fiber box used over a domestic box for overseas shipments for greater strength and protection or describe too strongly (heavily ~ed the depression of English learning —F.M.Stenton)

over-part-ed \; \[\over \purple \over \purple \] \[\over \purple \over \purple \over \purple \over \purple \quad \]. \[\over \purple \over \over \purple \over \pu \over \pu \over \pu \over \over \pu \over \pu \over \pu \over \pu \over \pu \over \pu \over \over \over \pu \over \over

SOUTHERN CAL

INTL CLASS: 025 (Clothing)

STATUS: Registered; Section 2(f) REG. NO.: 1564659

REG. DATE: November 07, 1989 PUBLISHED: August 15, 1989

GOODS: T-SHIRTS

SERIES CODE: 73 SERIAL NO.: 770650 FILED: December 20, 1988

DATE OF FIRST USE: August, 1978

ORIGINAL OWNER: UNIVERSITY OF SOUTHERN CALIFORNIA, THE (CALIF. CORPORATION); LOS ANGELES, CA

The application identifies goods that may be classified in several international classes. The filing fee for each class is \$175.00. 37 C.F.R. Section 2.6(a). Therefore, the applicant may either: (1) restrict the application to the number of classes covered by the fee already paid or (2) pay a fee of \$175.00 for each additional class. 37 C.F.R. Section 2.86(b); TMEP sections 809.01 and 1113.01.

If the applicant adds any classes, the applicant must submit three specimens showing use of the mark in each new class. 37 C.F.R. Section 2.86(b); TMEP sections 808.01(b), 1113.01 and 1301.04. The applicant must verify that the new specimens were in use in commerce on or before the application filing date with an affidavit or a declaration under 37 C.F.R. Section 2.20. 37 C.F.R. Section 2.59(a). If, however, the new specimens are of the same type as those already of record, the applicant need not verify the date of use.

If the new specimens include the name of a party other than the applicant, the applicant should explain the applicant's relationship with that party, whether that party has any rights in the mark and how the applicant controls any use of the mark by that party. TMEP section 1201.03.

The applicant must amend the application to include dates of first use and use in commerce for each class. 37 C.F.R. Section 2.86(b); TMEP section 1113.01. If the dates differ from those already of record, the applicant must verify the amendment with an affidavit or a declaration under 37 C.F.R. Section 2.20. 37 C.F.R. Section 2.71(d)(1).

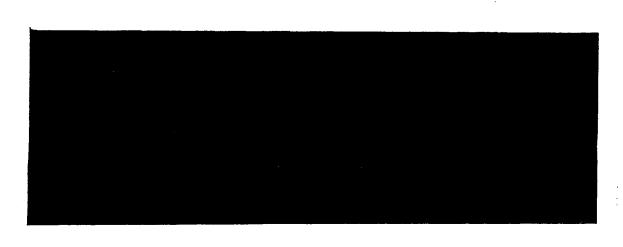
The applicant must list the goods by international class number in ascending numerical order. TMEP sections 202.01(b) and 1113.01.

KS:jec

Katherine Stoides

Trademark Attorney, Law Office 5

(703) 308-3565



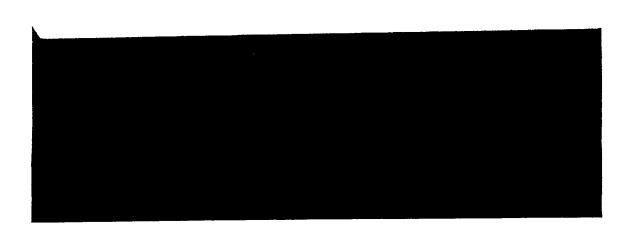
NOTE: The Trademark Office is committed to improving the quality of our service. The Assistant Commissioner for Trademarks would like to have your comments and suggestions on ways we can improve the quality of Office actions and the examination process in general. In the event there are any areas causing you recurrent problems, please let us know of them. Comments should go to this address:

Office of Trademark Quality Review c/o Commissioner of Patents and Trademarks Washington, DC 20231.

COMMENTS RECEIVED IN RESPONSE TO THIS NOTICE WILL NOT BE DEEMED A RESPONSE TO AN OFFICE ACTION.

Applicant's Ex. No. 69. Pg. No. 69.

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00162

Provident 127 of 189 for 98 14: PHRASCH 12 % 19 1 1814 STATEMENT OF STATEMENT OF STATEMENT STATES OF STATEMENT O WORD PARTY SOUCE AND SERVICES MARK DRAWING CODE REPLAN NUMBER 1574.35.14 FILING DATE REGISTRATION NUMBER 4.54<u>8</u>423 1981年9月27 REGISTRATION DATE TREGISTRANT: Shake Creek Manufacturing Co., inc. COPROPATION NEW YORK 350 5th Ave. New York MEW YORK 1930: OWNER NAME AND ADDRESS TRADEMARK TYPE OF MARK 트로 : 제한 (문화... FEGISTER SECT 8 : SECT 45 .: COMBINED SECT 8 AND SECT AFFIDAVITS 17. . ..

390 ř

Applicant's Ex. No. 164, Pg. No. 64

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



WILLIAM POMS
GUY PORTER SIAITH
GARY LANDE
ALAN CONRAD ROSE
EDWARD F. JAROS'
LOUIS J. BOVASSO
BERNARD R. GANS
WILLIAM J. ROBINSON
DAVID J. OLDENKAMP
M. MICHAEL CARPENTER
MICHAEL D. HARRIS
CHRISTOPHER DARROW
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ANTHONY I. CASCIO
MICHAEL B. LACHUK
JANIS C. HENRY
- ***LUNGIS BAR ONLY
- ***LUNGI

LAW OFFICES

Poms, Smith, Lande & Rose

PROFESSIONAL CORPORATION
PATENT, TRADEMARK, COPYRIGHT,
LICENSING AND RELATED
INTELLECTUAL PROPERTY MATTERS

2121 AVENUE OF THE STARS, SUITE 1400 LOS ANGELES, CALIFORNIA 90067-5010 (213) 277-8141 AND 879-4181 WASHINGTON, D.C. OFFICE
413 NORTH WASHINGTON STREET
ALEXANDRIA, VIRGINIA 22314
(703) 838-2073

CABLE ADDRESS: "POMPAT" TELEX 698271 POMPAT LSA FAX (2(3) 277-1297

September 5, 1990

United States Patent & Trademark Office Commissioner of Patents and Trademarks Washington, D.C. 20231

Re: University of Southern California

U.S. Trademark Applications

Docket No. 80-276

Mark: USC

Docket No. 80-277

Mark: Trojan Head logo

Docket No. 80-280 Mark: SOUTHERN CAL

Docket No. 80-281

Mark: University Seal logo

Docket No. 80-282 Mark: TROJANS

Docket No. 80-283

Mark: SC

Subject: Transmitting Original Applications

Sir:

It is requested that the enclosed applications for registration of the:

Mark

trademarks

USC, Trojan Head logo, SOUTHERN CAL, University Seal logo, TROJANS, and SC



be filed and accepted on the Principal/Supplemental Register on behalf of:

UNIVERSITY OF SOUTHERN CALIFORNIA

Our Check No. 003370 for \$3,850.00 (6 applications with 22 classes) to cover the Government filing fees, is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required while these applications are pending in the Trademark Office, or credit any overpayment to Account No. 16-2230. A duplicate copy of this sheet is enclosed.

Very truly yours,

Bernard P Gans

POMS, SMITH, LANDE & ROSE Professional Corporation

BRG/sya Encls. FORMS/TM-15

I hereby certify that this correspondence and its enclosures is being deposited this day with the United States Postal Service "Express Mail Post Office to Address" service, no. B03380679R, under 37 CRF 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC. 20231

Name: Ainii Putrick Date: 3rptimber 5, 1990 Applicant's Ex. No. **64**, Pg. No. **66**

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



301 TM 74 094681

APPLICATION FOR TRADEMARK/SERVICE MARK REGISTRATION

MARK: SC

CLASS NOS.: 6, 18, 24, 25 -

TO THE COMMISSIONER OF PATENTS AND TRADEMARKS:

	Applicant	's Name: University of Southern California
AA	Business ?	Address: University Park Los Angeles, California 90089
		Individual
		Country of Citizenship:
		<u>Partnership</u>
		Domicile (State or Country) of Partnership:
		Names and Citizenship (Country) of General Partners:
	<u>x</u>	Corporation
		State or Country of Incorporation: California

1. Applicant requests registration of the above-identified trademark/service mark shown in the accompanying drawing in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. 1051 et. seq., as amended) for the following goods and services:

(69) 018,1 095 Reyrings of non-precious metals; car emblems of nonprecious metals, license plate frames; art work statuary of non-precious metals, in Class 6;

Umbrellas, hand luggage, tote bags, luggage, (namely tote bags, hand luggage, garment bags and overnight bags), fanny packs, toiletry bags, briefcase, bags, golf bags, laundry bags, back packs in Class 18;

Towels, blankets, pennants, and flags in Class 24; and 5 Sweatshirts and t-shirts in Class 25; and

All goods being offered and sold to persons desiring to associate themselves with the University of Southern California.





Applicant is using the mark in commerce on or in connection with the above identified goods/services. (15 U.S.C. 1051(a), as amended.) Three specimens showing the mark as used in commerce are submitted with this application.

- Date of first use of the mark anywhere:
- Date of first use of the mark in commerce which the U.S. Congress may regulate:
- Type of commerce (e.g., interstate, between the U.S. and a specified foreign country):
- Manner or mode of use of mark on or in connection with the goods/services:

X Applicant has a bona fide intention to use the mark in commerce on or in connection with the above identified goods. (15 U.S.C. 1051(b), as amended.)

Specify intended manner or mode of use of the mark on or in connection with the goods/services:

Class 6: Applied directly to the goods, on labels attached to the goods, on packaging enclosing the goods, or in other ways customary in the trade.

Class 18: Applied directly to the goods, on labels attached to the goods, on packaging enclosing the goods, or in other ways customary in the trade.

Class 24: Applied directly to the goods, on labels attached to the goods, on packaging enclosing the goods, or in other ways customary in the trade.

Class 25: Applied directly to the goods, to labels or hang tags attached to the goods, on packaging for the goods, or in other ways customary in the trade.

Applicant asserts a claim of priority based upon a foreign application in accordance with 15 U.S.C. 1126(d), as amended.

- Country of foreign filing:
- Application No.:

-2-

Date of foreign filing:

Applicant requests the benefit of 15 U.S.C. §1126(e) and will comply with all requirements of the law and rules in order to receive such benefit.

- Country of registration/application:
- Registration/application number:
- I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any registration resulting therefrom, declare that I am authorized to execute this application on behalf of said applicant; I believe said applicant to be the owner of the mark sought to be registered; or, if the application is being filed under 15 U.S.C. 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of my knowledge and belief no other person, firm, corporation, or association has the right to use said mark in commerce, either in the identical form or in such near resemblance thereto as may be likely, when applied to the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; the facts set forth in this application are true; and all statements made of my own knowledge are true and all statements made on information and belief are believed to be true.

UNIVERSITY OF SOUTHERN CALIFORNIA

Dated: 8/29/90 By: Dunis Domputy

Name: Dennis F. Dougherty

Title: Senior Vice President

of Administration

POWER OF ATTORNEY

Applicant hereby appoints Bernard R. Gans, William Poms, Guy P. Smith, Gary E. Lande, Alan C. Rose, Louis J. Bovasso, David J. Oldenkamp, M. Michael Carpenter, Christopher Darrow, Kurt A. MacLean, Todd B. Serota, Charles Rosenberg, Marc E. Brown, Breton A. Bocchieri, Daniel F. Sullivan, Anthony T. Cascio, Michael B. Lachuk, Janis C. Henry, Brian W. Kasell, and Richard E. Campbell each of

Applicant's Ex. No. 64 Pg. No.

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

whom is a member of the State Bar of California and whose address is: POMS, SMITH, LANDE & ROSE, Professional Corporation, 2121
Avenue of the Stars, Suite 1400, Los Angeles, California 90067-5010, telephone number (213) 277-8141, to prosecute this application to registration, to transact all business in the Patent and Trademark Office in connection therewith, to receive the Certificate of Registration and all subsequent correspondence related to the registration.

UNIVERSITY OF SOUTHERN CALIFORNIA

Dated: Name: Dennis F. Dougherty Title: Senior Vice President

of Administration

Ex. No. 169, Pg. No. 70 Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina APPLICANT 00169



COMBINED

74 094681

DOCKET NO. 80-283

UNIVERSITY OF SOUTHERN CALIFORNIA

ADDRESS:

University Park

Los Angeles, California 90089

FIRST USE:

Intent to use

FIRST USE IN

COMMERCE:

Intent to use

FOR:

Keyrings of non-precious metals; car emblems of non-precious metals, license plate frames; art work statuary of nonplate frames; art work statuary of non-precious metals, in Class 6; Umbrellas, hand luggage, tote bags, luggage, (namely tote bags, hand luggage, garment bags and overnight bags), fanny packs, toiletry bags, briefcase, bags, golf bags, laundry bags, back packs in Class 18; Towels, blankets, pennants, and flags in Class 24; Sweatshirts and t-shirts in Class 25; all goods being offered and sold to persons desiring to associate themselves with the desiring to associate themselves with the University of Southern California.

CLASSES:

6, 18, 24, 25

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AUG 1 3 1992

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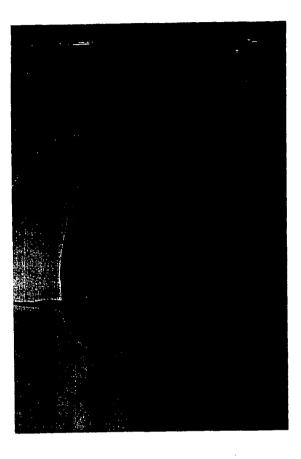
Applicant's Ex. No. 189. No. 73

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



Applicant's Ex. No. 14 Pg. No. 74

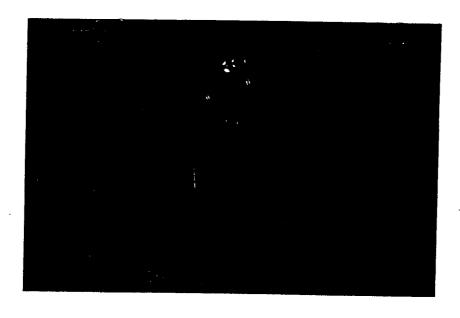
Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



Applicant's Ex. No. 164, Pg. No. 75

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

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CLASS L

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00175

. 91125615 Applicant's California v. Ex. No. 169, Pg. No. 76 Carolina

TRADEMARK APPLICATION SERIAL NO. 74 094681

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

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Applicant's Ex. No. 169, Pg. No. 77

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

76-374729

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LAW OFFICE 104 **PRINCIPAL**

76-374729

Christine Cooper

ATTORNEY ADVISOR:

Ex. No. 16, Pg. No. 78 Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00177

Approved for Publication (Principal Register) (Signature/Date) Mustin Corp 5/31/57 Approved for Registration (Section 1(d)) (Signature/Date)	NOP	NOA
Approved for Registration (Supplemental Register) (Signature/Date)	Abandoned	(Date)

SEE APPLICATION FOR OTHER CLASS(ES)

ORIGINAL CORRESPONDENT SCOTT A. EDELMAN

FILING BASIS USE

umbrellas, luggage, namely, tote bags, h (ETC)

GOODS/SERVICES (CLASS 018)

metal frames for metal license plates; a (ETC)

GOODS/SERVICES (CLASS 012)

University of Southern California

ORIGINAL APPLICANT

February 22, 2002

FILING DATE

GOODS/SERVICES (CLASS 016) playing cards; decals; folders; 3-ring b (ETC)



Serial Number (Bar Code)

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☐ See inside of file for additional entries.



NOTES TO THE FILE AND APPROVAL DATE (All Entries Should Be Dated and Initialed) **INITIALS** 17/02 Mandes re 4571 Ceave voice

SN: 76/374729

DATE OF REPORT: May 31, 2002

PAGE: 1

APPROVED BY: COOPER, CHRISTINE

LAW OFFICE 104 FILED Sec 1(b): NO FILED Sec 1(a): YES FILED Sec 44(d): NO FILED Sec 44(e): NO FILED No Basis: NO

CURRENTLY Sec 1(b): NO CURRENTLY Sec 1(a): YES CURRENTLY Sec 44 (d): NO CURRENTLY Sec 44(e): NO CURRENTLY No Basis: NO

FILING DATE: FEB.22,2002

MARK TYPE: Trademark Service Mark

REGISTER: Principal

MARK: s c

Color Drawing Currently: NO

OWNER:

University of Southern California (CALIFORNIA, NON-PROFIT CORPORATION)

University Park

ADM 352

Los Angeles, CALIFORNIA 900895013

FOR:

Metal frames for metal license plates; and

metallic car emblems

INT. CLASS 012 (U.S. CLASS 019,021,023,031,035

AND 044)

FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; and paper

tablecloths

INT. CLASS 016 (U.S. CLASS 002,005,022,023,029

037,038 AND 050)

FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars INT. CLASS 018 (U.S. CLASS 001,002,003,022

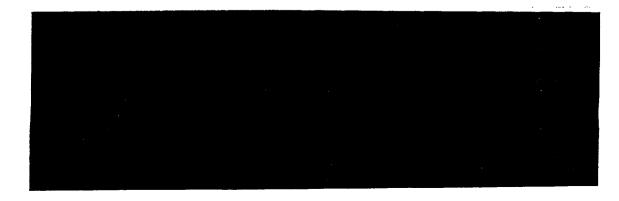
AND 041)

FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Porcelain and glass mugs; cups; drinking

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



REGISTRATION REVIEW REPORT

SN: 76/374729

DATE OF REPORT: May 31, 2002

PAGE: 2

glasses; shot glasses; commemorative and decorative plates; coasters; paper plates; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls INT. CLASS 021 (U.S. CLASS 002,013,023,029,030 033,040 AND 050)

FIRST USE 1993 USE IN COMMERCE 1994

FOR: Towels; stadium blankets; cloth pennants;

and cloth flags

INT. CLASS 024 (U.S. CLASS 042 AND 050) FIRST USE 1993 USE IN COMMERCE 1994

FOR: Cl

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties

INT. CLASS 025 (U.S. CLASS 022 AND 039) FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flying discs, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys; playing cards INT. CLASS 028 (U.S. CLASS 022,023,038 AND 050)

FIRST USE 1993 USE IN COMMERCE 1994

FOR:

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items
INT. CLASS 035 (U.S. CLASS 100,101 AND 102)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic

Opposition No. 91125615 Jniv. Southern California v. Univ. South Carolina



REGISTRATION REVIEW REPORT

DATE OF REPORT: May 31, 2002

PAGE: 3

performances INT. CLASS 041 (U.S. CLASS 100,101 AND 107) FIRST USE 1993 USE IN COMMERCE 1994

OTHER INFORMATION TO BE PRINTED ON CERTIFICATE:

OWNER OF U.S. REG. NOS. 1844953

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 169, Pg. No. 83

APPLICANT 00183



TRAMII GENERAL QUERY AS OF: 07/30/02 07:44:33

SERIAL NUMBER: 76374729

FILING DATE: 02/22/2002

REG. NUMBER: 0000000

REG. DATE:

REGISTER: PRINCIPAL FILED USE: YES

CURRENTLY USE: YES

MARK TYPE: TRADEMARK, SERVICE MARK AMENDED USE: NO AMENDED ITU: NO

EXMR LO: 104

FILED ITU: NO FILED 44D: NO FILED 44E: NO

CURRENTLY ITU: NO **CURRENTLY 44D: NO CURRENTLY 44E: NO**

AMENDED 44D: NO AMENDED 44E: NO

EXAMINER: 78440-COOPER, CHRISTINE

LO ASSIGNED: 104 LOCATION: 657-PROOFREADING "VISTRONIX"

DATE IN LOC: 07/24/2002 CHRG TO LOC: NONE

CHRG TO: NONE

STATUS: 681 - PUBLICATION/ISSUE REVIEW COMPLETE

STATUS DATE: 07/12/2002

A/R EXAMINER: NO A/R EXAMINER ASSIGNED

PUB DATE: SECTION 8: NO DATE ABANDONED:

SECTION 15: NO RENEWAL DATE: DATE CANCELLED: ASSIGNMENT: NO DATE AMENDED REG:

RENEWAL FILED: NO CLASSES ACTIVE: 09

SC

MARK:

CURRENT OWNER INFORMATION

PARTY TYPE:

10-ORIGINAL APPLICANT - FIRST NAME University of Southern California

NAME: ADDRESS:

University Park

ADM 352

LOS ANGELES CALIFORNIA 900895013

ENTITY:

99-NON-PROFIT CORPORATION CALIFORNIA

CITIZENSHIP: EMAIL:

lkennedy(usc.edu

AUTHORIZED:

NO

PHONE: FAX:

(213) 740-5222 (213) 740-9365

GOODS AND SERVICES

The following symbols indicate that the goods and services have been amended after registration of the Mark.

Double parenthesis ((..)) identify any "less goods";

Single brackets [..] indicate deleted goods; and,
Single asterisks *..* identify additional (new) wording in the goods.

FOR: Metal frames for metal license plates; and metallic car emblems INT. CLASS 012 (U.S. CLASSES 019 021 023 031 035 AND 044)

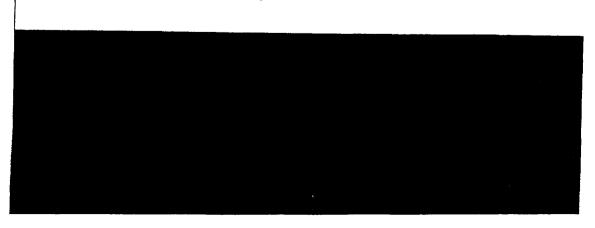
70FIRST USE 00/00/1993 USE IN COMMERCE 00/00/1994 CLASS STATUS: 6

FOR: Decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; and paper tablecloths INT. CLASS 016 (U.S. CLASSES 002 005 022 023 029 037 038 AND 050)

70FIRST USE 00/00/1993 USE IN COMMERCE 00/00/1994 CLASS STATUS: 6

FOR: Umbrellas, luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags;

animal leashes; and dog collars



Page: 1

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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/374729

APPLICANT: University of Southern California

CORRESPONDENT ADDRESS:

SCOTT A. EDELMAN

GIBSON, DUNN & CRUTCHER LLP

2029 CENTURY PARK EAST

SUITE 4000

LOS ANGELES CALIFORNIA 90067-3026

MARK:

SC

CORRESPONDENT'S REFERENCE/DOCKET NO: 93107-00119

MAILING DATE:

May 31, 2002

CORRESPONDENT EMAIL ADDRESS:

N/A

RETURN ADDRESS:

Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513

ecom104@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

Please provide in all correspondence:

- 1. Filing date, serial number, mark and
- applicant's name.

 Mailing date of this Office Action.

 Examining Attorney's name and
- Law Office number.

 4. Your telephone number and ZIP code.

EXAMINER'S AMENDMENT

EXAMINING ATTORNEY	PERSON CALLED/INTERVIEWED	TELEPHONE NUMBER
Christine Cooper	SCOTT A. EDELMAN	(310) 557-8061
X TELEPHONE CALL	INTERVIEW DATE	X ATTORNEY
PERSONAL INTERVIEW	May 31, 2002	APPLICANT

CALL RECORD/NOTES

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02.

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. Any future amendments to the identification of goods or services must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

RE: Serial Number 76/374729

AMENDMENT TO CLASSIFICATION AND IDENTIFICATION OF GOODS

The identification of goods is amended to read as follows:

International Class 12:

Metal frames for metal license plates; and metallic car emblems;

International Class 16:

Decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; and paper tablecloths;

International Class 18:

Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars;

International Class 21:

Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; paper plates; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls;

International Class 24:

Towels; stadium blankets; cloth pennants; and cloth flags;

International Class 25:

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties:

International Class 28:

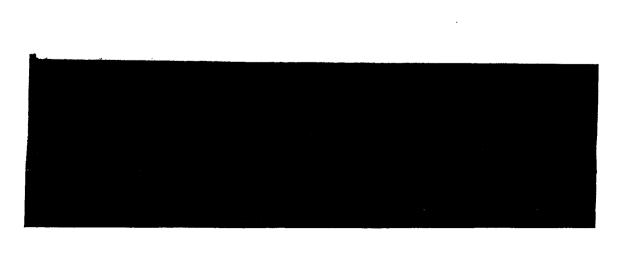
Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flying discs, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys; playing cards;

International Class 35:

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items;

International Class 41:

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic performances



Please feel free to contact the undersigned attorney if you wish to discuss this application.

Christine Cooper Trademark Examining Attorney Law Office 104 (703) 308-9104 ext. 173

Mista Congr

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

SC

Goods and Services

IC 006. US 013 025 028 050. G & S: keyrings of non-precious metals; decorative emblems or plates of non-precious metal, for attachment to autos; art work statuary of non-precious metals, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19780000

[Typed Drawing]

IC 018. US 003 041. G & S: umbrellas, hand luggage, tote bags, luggage; namely, tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips, fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

IC 024. US 042 050. G & S: towels, blankets, cloth pennants, and cloth flags, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

IC 025. US 039. G & S: sweatshirts and T-shirts, all goods being offered and sold at university-controlled outlets. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74094681

Filing Date September 5, 1990

Filed ITU FILED AS ITU

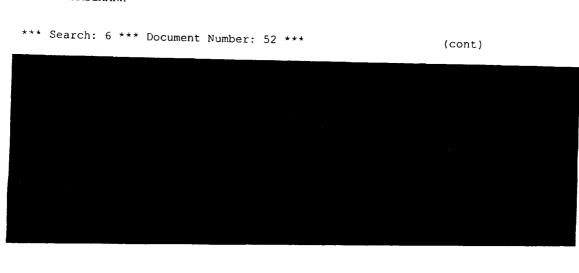
Publication for Opposition Date August 18, 1992

Registration Number 1844953

Registration Date July 12, 1994

Owner Name and Address (REGISTRANT) University of Southern California CORPORATION CALIFORNIA University Park Los Angeles CALIFORNIA 90089

Type of Mark TRADEMARK



Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live Dead Indicator LIVE

Attorney of Record JOSH S RIDOUT

Applicant's Ex. No. [6], Pg. No. 9]

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00190

*** Search: 6 *** Document Number: 52 ***



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BOX NEW APP FEE Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513 CERTIFICATE OF EXPRESS MAILING 37 CFR 1.10

I hereby certify that this document and any documents indicated as being enclosed herewith are being deposited with the United States Postal Service as Express Mail, No. EJ43028091US, postage paid, in an envelope addressed to Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

on: February 22, 2002

By: Mandy Rolf-Burn Name: Mandy Robertson/Bora

MARK:

SC (Stylized) (Use in Commerce)

APPLICANT: University of Southern California

ATTY. REF. NO.: 93107-00119

SUBMITTAL OF TRADEMARK APPLICATION

The following documents are transmitted herewith:

- (a) Trademark Application Including Written Application, Declaration, Drawing, and Filing Fee (\$325/class) as check no. 676959 in the amount of \$2,925.00;
 - (b) Specimens of Use for Nine Classes; and
 - (c) Postcard Receipt.

Respectfully Submitted,

Scott A. Edelman

Gibson, Dunn & Crutcher LLP 2029 Century Park East, Suite 4000 Los Angeles, California 90067-3026

Telephone: 310-557-8061 Fax: 310-552-7041

SAE/mrb/20131606_1.DOC Enclosures

cc:

Carol M. Mauch, Esq. Ms. Elizabeth Kennedy Ms. Mandy Robertson-Bora Applicant's Ex. No. [6] Pg. No. 43

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT INFORMATION

Name:

University of Southern California

Street:

University Park, ADM 352

City:

Los Angeles California

State:

USA

Country: Zip/Postal Code:

90089-5013

Telephone Number:

(213) 740-5222

Fax Number:

(213) 740-9365

E-Mail Address

lkennedy@usc.edu

APPLICANT ENTITY INFORMATION (Select only One)

Individual (Country of Citizenship):

Corporation (State/Country of Incorporation):

California (non-profit corporation)

Partnership (State/Country under which

Organized; Name(s) of General Partner(s) &

Citizenship/Incorporation)

Other Entity Type (Specific Nature of Entity;

State/Country under which Organized)

TRADEMARK/SERVICE MARK INFORMATION

Mark:

SC (Stylized)

Typed Form:

NO

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Use in Commerce: Section 1(a) – Applicant is using the mark in commerce on or in connection with the below-identified goods and/or services (15 USC § 1051(a))

International Class Number(s):

12, 16, 18, 21, 24, 25, 28, 35, 41

Listing of Goods and/or Services:

(List in ascending numerical class order)

Metal frames for metal license plates; and metallic car emblems in Int'l Class 12;

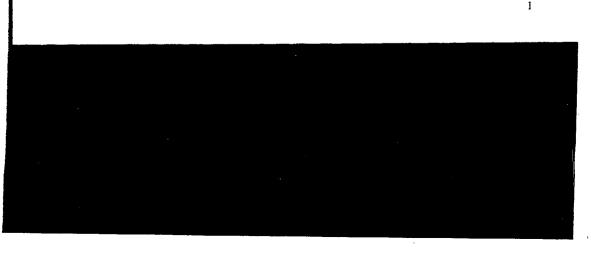
Playing cards; decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; paper plates; and paper tablecloths in Int'l Class 16;

Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars in Int'l Class 18;

Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls in Int'l Class 21;

Towels; stadium blankets; cloth pennants; and cloth flags in Int'l Class 24;

[Listing of Goods and Services Continued on Next Page]



[Listing of Goods and Services Continued from Previous Page]

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties in Int'l Class 25;

Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flippy flyers, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys in Int'l Class 28;

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items, in Int'l Class 35; and

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic performances in Int'l Class 41

Date of First Use Anywhere

at least as early as 1993 for all classes

Date of First Use in Commerce

at least as early as 1994 for all classes

Submit one (1) SPECIMEN for each international class showing the mark as used in commerce.

Intent to Use: Section 1(b) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 USC § 1051(b))

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Foreign Priority: Section 44(d) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services, and asserts a claim of priority base upon a foreign application in accordance with (15 USC § 1126(d))

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Country of Foreign Filing: Foreign Application Number: Date of Foreign Filing:

Foreign Registration: Section 44(e) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services based on registration of the mark in applicant's country of origin

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Country of Foreign Registration:

Foreign Registration Number:

Foreign Registration Date:

Foreign Registration Renewal Date:

Foreign Registration Expiration Date:

Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 USC § 1126(e).

2



\$325.00 x 9 Classes = \$2,925.00

STATEMENT REGARDING OTHER REGISTRATIONS

Applicant is the owner of Federal Registration No. 1,844,953

SIGNATURE INFORMATION

Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 USC § 1051 et seq) for the above-identified goods and/or services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant, he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 USC § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Date: Name:

February 15, 2002 Dennis F. Dougherty

Title:

Senior Vice President for Administration

CONTACT INFORMATION

Name:

Scott A. Edelman

Company/Firm Name:

Gibson, Dunn & Crutcher LLP

Street:

2029 Century Park East, Suite 4000

City:

Los Angeles California

State: Country:

USA

Zip/Postal Code:

90067-3026

Telephone Number:

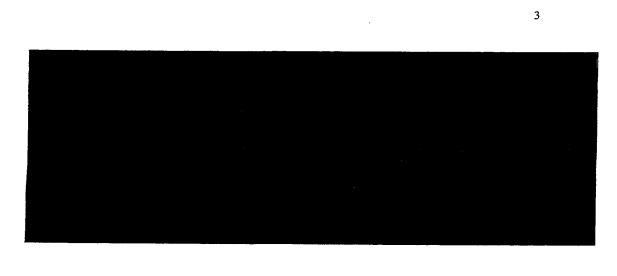
(310) 557-8061

Fax Number:

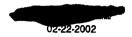
(310) 552-7041

E-Mail Address:

sedelman@gibsondunn.com





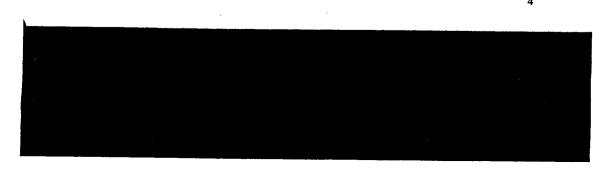


U.S. Patent & TMOfo/TM Mail Ropt. Dt. #40

Applicant:	University of Southern California
Address:	University Park ADM 352 Los Angeles, California 90089-5013
Condulation (in the	Use in Commerce - Section 1(a) for all classes
Goods/Services (include basis for filing):	Metal frames for metal license plates; and metallic car emblems in Int'l Class 12;
. 6	Playing cards, decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper, paper napkins; paper plates; and paper tablecloths in Int'l Class 16;
A ,	Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars in Int'l Class 18;
	Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls in Int'l Class 21;
· · · · · · · · · · · · · · · · · · ·	Towels; stadium blankets; cloth pennants; and cloth flags in Int'l Class 24;
¥	Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties in Int'l Class 25;
Con T	Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flippy flyers, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys in Int'l Class 28;
R. A	On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items, in Int'l Class 35; and
\ 	Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic performances in Int'l Class 41
First Use Anywhere:	At least as early as 1993 for all classes
First Use In Commerce:	At least as early as 1994 for all classes



GIBSON, DUNN & CRUTCHER LLP 2029 Century Park East, Suite 4000 Los Angeles, California 90067-3026



Departments

Las Vegas Bowl! Baseball

Football

Gifts

Hats

Jackets

Kids

NCAA Tourney

Polo Shirts

Sweats

T-Shirts

Team Trojan **Traditions**

What's New

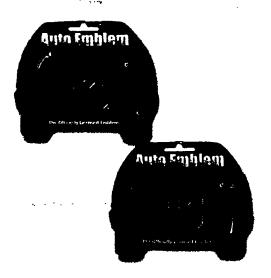
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Interlocking SC Car emblem



Back to Product Display Page

Interlocking SC Car emblem

SC car emblem is available in brass or chrome color. Cute accessory for the car.

Price: \$8.95

Quantity: 1

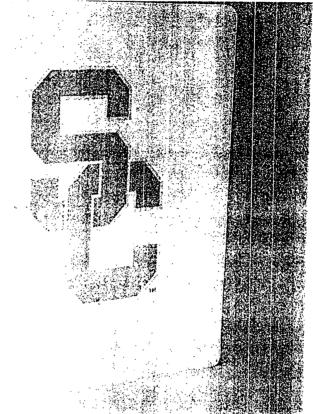
Color: Chrome

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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Ex. No. 164, Pg. No. 49 Applicant's



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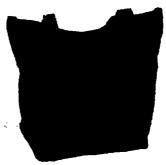
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GM01 Ladies Tote Bag



Heavy Duty Canvas Tote features dual reinforced straps, inside and outer pock internal safety snap for keys, and snap closure. print catalog code: 10136430441141518

Color: Cardinal Price: \$19.95

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SC Etched Cardinal Mug



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SC Etched Cardinal Mug Interlocking SC is etched right on

the mug for a stylish design.

Price: \$11.95

Quantity: 1









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SC Interlock Flag



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Nike® USC Striped Mesh Shorts

Cardinal mesh shorts feature white and gold stripes on side of shorts. Also includes interlocking SC applique on left leg.

Price: \$30.00

Quantity: 1



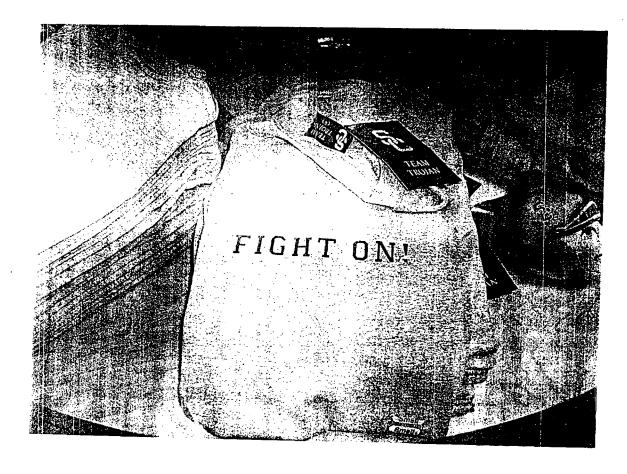




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SC Football (rosebowls) Tee



This Team Trojan T-shirt features "SC Football" on the front and contains histor information on the Rosebowls that USC has been a part of. Wear it to show you pride in the history of USC football.

print catalog code: 1011735186108422

Color: card

Size: large

Price: \$21.95

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Color: black Price: \$225.00 Address



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HASE NATIONAL INVITATION TOURNAMENT



before the semifinals at Madison Square Garden in New York City. We need a big crowd to start the Trojan season off in Tarkanian's Fresno State Bulldogs in a challenging round two the first round. A win will likely match them against Jerry Trojans join the party by taking on the Wyoming Cowboys in team may only participate once every four years. This year the to participate in a given year. Legislation also states that a NCAA legislation allowing only one team from a conference and has become the premiere preseason tournament in college basketball. The tournament is comprised of 16 teams with The Chase National Invitation Tournament began in 1985





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And since proceeds from every safe benefit the University, your purchase supplies. Altheric Department in its mission to provide a quality education for student attlictes as they compete for National Championships.

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Applicant's

Ex. No. 169, Pg. No. 102

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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

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2002 USC Football Schedule

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Day	Date	Opponent	Location	TV	Outcome/Time
Mon	09/02/2002	Aubum	L.A. Coliseum	ABC-TV	5:00 PM PT
Sat	09/14/2002	Colorado	Boulder, Colo.		TBA
Sat	09/21/2002	Kansas State	Manhattan, Kan.		TBA
Sat	09/28/2002	Oregon State	L.A. Coliseum		TBA
Sat	10/05/2002	Washington State	Pullman, Wash.		TBA
Sat	10/12/2002	California	L.A. Coliseum	I	TBA
Sat	10/19/2002	Washington	L.A. Coliseum		ТВА
Sat	10/26/2002	Oregon	Eugene, Ore.		TBA
Sat	11/09/2002	Stanford	Palo Alto, Calif.		TBA
Sat	11/16/2002	Arizona State (Homecoming)	L.A. Coliseum		TBA
Sat	11/23/2002	UCLA	Pasadena, Calif.		TBA
Sat	11/30/2002	Notre Dame	L.A. Coliseum		TBA

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*Game times are subject to change. All times are local to game site.

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TROJAN MEN'S BASKEIBALL

58. 59. Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's
Ex. No. 169, Pg. No. 169

TRADEMARK APPLICATION SERIAL NO.

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PTO-1555 (5/87)

*U.S. Government Printing Office: 2000 -- 456-232/29119

Applicant's Ex. No. 16

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 8 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES AND ON OFFICIAL RECORDS is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Berbasti

Administrative Assistant

March 10, 2006

sc and Design US CLASS: 039 (Clothing) INTL CLASS: 025 (Clothing) INTL CLASS: 025 (Clothing)
STATUS: Renewed REG. NO.: 0506143
REG. DATE: February 01, 1949
REN. DATE: February 01, 1989
PUBLISHED: October 05, 1948
GOODS/SERVICES: MEN'S, WOMEN'S, AND CHILDREN'S KNITTED SOCKS
SERIES CODE: 71 SERIAL NO.: 514876 FILED: July 05, 1947 DATE OF FIRST USE: February 01, 1946
ORIGINAL OWNER: THE ADLER CO., CINCINNATI, OH
RENEWAL OWNER: KAYSER-ROTH CORPORATION (DELAWARE CORPORATION) NEW YORK, NEW YORK ASSIGNEE: BLUMENTHAL, SIDNEY, & CO. INC. (NEW YORK CORPORATION) GREENSBORO, NORTH CAROLINA Reel/Frame: 055/103 Recorded Date: July 07, 1959 Text: ASSIGNS THE ENTIRE INTEREST AND GOOD WILL Assignor: ADLER COMPANY, THE (OHIO CORPORATION) CINCINNATI, OHIO Date of Assignment: June 16, 1959 ASSIGNEE: BURLINGTON INDUSTRIES, INC. (DELAWARE CORPORATION) GREENSBORO, NORTH CAROLINA Reel/Frame: 084/135 Recorded Date: December 08, 1961 Text: ASSIGNS THE ENTIRE INTEREST AND GOOD WILL Assignor: BLUMENTHAL, SIDNEY, & CO., INC. (NEW YORK CORPORATION) NEW YORK, NEW YORK Date of Assignment: December 05, 1961 ASSIGNEE: KAYSER ROTH CORPORATION (DELAWARE CORPORATION) NEW YORK, NEW YORK Reel/Frame: 418/673 Recorded Date: April 26, 1982
Text: ASSIGNS THE ENTIRE INTEREST AND GOOD WILL
Assignor: BURLINGTON INDUSTRIES, INC. (DELAWARE CORPORATION) NEW YORK, NEW YORK Date of Assignment: January 04, 1982
ASSIGNEE: KAYSER-ROTH CORPORATION (1985) (DELAWARE CORPORATION) NEW YORK, NEW YORK Reel/Frame: 525/447 Recorded Date: February 21, 1986 Text: ASSIGNS AS OF SEPT. 12,, 1985, THE ENTIRE INTEREST AND THE GOOD WILL Assignor: KAYSER-ROTH CORPORATION (1975) (DELAWARE CORPORATION) NEW YORK, NEW YORK Date of Assignment: February 14, 1986



DESIGN PHRASE: STAR AND YARN

SC and Design

US CLASS: 039 (Clothing)

INTL CLASS: 025 (Clothing)

STATUS: Registered REG. NO.: 0984558

REG. DATE: May 21, 1974

PUBLISHED: February 26, 1974

GOODS/SERVICES: NECKWEAR

SERIES CODE: 72 SERIAL NO.: 430064

FILED: July 17, 1972

DATE OF FIRST USE: May 15, 1972

ORIGINAL OWNER: SUPERBA CRAVATS, INC. (NEW YORK CORPORATION)

ROCHESTER, NEW YORK

AFFIDAVIT SEC.: 8-15

ASSIGNEE: SUPERBA, INC.

Reel/Frame: 521/287

Recorded Date: February 03, 1986

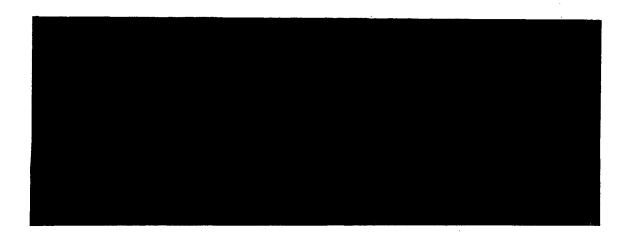
Text: CERTIFIED COPY OF MERGER FILED IN THE OFFICE OF THE SECRETARY OF STATE OF CALIFORNIA ON MARCH 31, 1984.

ASSIGNOR: SUPERBA CRAVATS, INC.



and Design
US CLASS: 039 (Clothing)
INTL CLASS: 025 (Clothing)
STATUS: Registered REG. NO.: 1495906
REG. DATE: July 12, 1988
PUBLISHED: April 19, 1988
GOODS/SERVICES: WOMEN'S KNIT, WOVEN AND PRINT SCARVES, PAREOS,
SERAPES, SHAWLS, HATS, GLOVES; WOMEN'S LEGWEAR AND PANTYHOSE,
NAMELY, WOMEN'S AND GIRL'S HOSIERY, AND CHILDREN'S AND ADULT'S
TIGHTS; WOMEN'S BELTS, WRISTBANDS, SUSPENDERS AND BELTS MADE OF
LEATHER, HEAD BANDS, AND TIES
SERIES CODE: 73 SERIAL NO.: 692463
FILED: October 29, 1987
DATE OF FIRST USE: August, 1987
ORIGINAL OWNER: SARAH COVENTRY, INCORPORATED (DELAWARE
CORPORATION) NEW YORK, NEW YORK
ASSIGNEE: LIFESTYLE BRANDS, LTD. (SEE DOCUMENT FOR DETAILS.)
Reel/Frame: 781/975
Recorded Date: March 25, 1991
Text: CHANGE OF NAME EFFECTIVE ON 01-24-1990 IN DELAWARE
ASBIGNOT: LICENSING UNLIMITED, INC. (DELAWARE CORPORATION)
DESIGN PHRASE: THE MARK CONSISTS, IN PART, OF THE WORD "SC" AND ON BUTTERFLY DESIGN IN FANCIFUL FORM.





The 1990-1991 USC
Trojan Gift Collection



IMAGES OF TROJAN PRIDE

Applicant's Ex. No. 164, Pg. No. 56

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

On the cover: 144. Birch grey hooded sweatshirt. Expertly manu-factured with a lifetime guarantee on fabric and construction. Oversized, heavyweight, and 94% cotton for extraordinary soft-ness and durability. Features drawstring hood, two on-scam pockets and sewn-inside gussets to avoid shrinkage. From Russell Athletic M, L, XL, XXL \$69.95 Supply is limited.

145. Maroon sweatshirt. A sophisticated look with gold embroidered accents on a puff print. Cotton/polyes-ter blend. Machine wash, line dry. From Jansport. M, L, XL \$35.25



Heavyweight sweats with double-stitched seams in a soft cotton/polyester blend. Features crewneck sweatshirt with set in sleeves and elastic/drawstring pants with buttoned reacpocket. From Gear For Sports.

146. Graphite sweatshirt. S, M, L, XL \$28.50 147. Graphite sweatpants. S, M, L, XL \$28.00

University of Southern California Trojan Gift Collection 830 Childs Way, Suite 25 Los Angeles, CA 90007

Non-Profit Organization U.S. Postage Paid University of Southern California



A PROPER RESPONSE TO THIS OFFICE ACTION MUST BE RECEIVED WITHIN 6 MONTHS FROM THE DATE OF THIS ACTION IN ORDER TO AVOID ABANDONMENT.

The assigned examining attorney has reviewed the referenced application and determined the following.

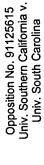
SECTION 2(d) REFUSAL -- Likelihood Of Confusion Slawn &

The examining attorney refuses registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the applicant's mark, when used on the identified goods, is likely to be confused with the registrant's mark in U.S. Registration No. 1146441. TMEP section 1207. See the enclosed registration.

Section 2(d) of the Trademark Act bars registration where a mark so resembles a registered mark, that it is likely, when applied to the goods, to cause confusion, or to cause mistake or to deceive. TMEP section 1207.01. The Court in In re E.I. du Pont de Nemours & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), listed the principal factors to consider in determining whether there is a likelihood of confusion. Among these factors are the similarity of the marks as to appearance, sound, meaning and commercial impression and the similarity of the goods. The overriding concern is to prevent buyer confusion as to the source of the goods. Miss Universe, Inc. v. Miss Teen U.S.A., Inc., 209 USPQ 698 (N.D. Ga. 1980). Therefore, any doubt as to the existence of a likelihood of confusion must be resolved in favor of the registrant. Lone Star Manufacturing Co., Inc. v. Bill Beasley, Inc., 498 F.2d 906, 182 USPQ 368 (CCPA 1974).

APPLICANT 00157

PTOL 89 (REV. 4-90)



Ex. No.

A. The Marks

Applicant's mark is essentially identical to Registrant's mark -- the letters "SC".

B. The Goods

Both use their marks on shirts.

C. Conclusion

When consumers encounter essentially identical marks on closely related, if not identical goods, they are likely to believe the goods originate from a common source. In re IT&T Corp., Inc. 197 USPQ 910 (TTAB 1978). As preventing such consumer confusion is the overriding concern, Applicant's mark is refused registration under Section 2(d) of the Trademark Act.

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

The stated refusal refers to Class 25 only and does not bar registration in the other class. TMEP section 1113.05.

INFORMALITIES

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informalities.

Identification Of Goods

The wording "car emblems of nonprecious metals" in the identification of goods is unacceptable as indefinite because the nature of the goods is not clear. The applicant must amend the identification to specify the common commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section 804. The nature of the goods on which the applicant uses the mark is not clear from the present record. The applicant must submit samples of advertisements or promotional materials. If such materials are not available, the applicant must submit a photograph of the goods and describe their nature, purpose and channels of trade. 37 C.F.R. Section 2.61(b); TMEP sections 1103.04 and 1105.02.

The wording "license plate frames" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "metal license plate frames," if accurate. TMEP section 804.

The wording "overnight bags and bags" in the identification of goods is unacceptable as indefinite. The applicant must amend the identification to specify the commercial name of the goods. If there is no common commercial name for the product, the applicant must describe the product and its intended uses. TMEP section

The wording "toiletry bags" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "toiletry bags sold empty," if accurate. TMEP section 804.

The wording "garment bags" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "garment bags for travel," if accurate. TMEP section 804.

The wording "pennants and flags" in the identification of goods is unacceptable as indefinite because the material composition is not specified. The applicant may amend this wording to "cloth pennants" or "paper pennants" and "cloth flags" or "paper flags," if accurate. TMEP section 804.

If the pennants and flags are made of cloth, they are properly classified in International Class 24. However, if they are made of paper, they are properly classified in International Class 16.

And finally, Applicant includes a statement at the bottom of the identification of goods which appears to limit the channels of trade of the goods. Applicant must clarify the wording of the statement to specifically limit the sale of the goods if this is Applicant's intention. Also, Applicant must incorporate this language within each class of goods so that each class is clearly thus limited.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(b). Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

Classification

The applicant has classified golf bags in International Class 18. The correct classification is International Class 28. The applicant must either delete golf bags or add International Class 28 to the application. 37 C.F.R. Sections 2.33(a)(1)(vi) and 2.85; TMEP sections 804.03, 1301.06 and 1401.

The applicant has classified laundry bags in International Class 18. The correct classification is International Class 22. The applicant must either delete laundry bags or add International Class 22 to the application. 37 C.F.R. Sections 2.33(a)(1)(vi) and 2.85; TMEP sections 804.03, 1301.06 and 1401.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California)	Opposition No. 91125615
Opposer,)	Serial No. 75/358,031
vs.)	Mark: SC (Stylized)
University of South Carolina,)	Filed: September 16, 1997
Applicant.) _)	Published: May 18, 1999

APPLICANT'S NOTICE OF RELIANCE NO. 9 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents except that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 170 through 171, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Bates Range	Description
170	Applicant 00213 – Applicant 00215	Website printout from the University of South Carolina Official Athletic Site regarding Carolina's baseball team dated October 11, 2004.
171	Applicant 00218 – Applicant 00219	Website printout from CNN Sports Illustrated site regarding Carolina's baseball coach and team dated October 11, 2004.

Applicant hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate the fame of the Applicant's mark.

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John C. McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

151 Meeting Street

Post Office Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Attorneys for University of South Carolina

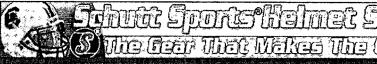
CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the

Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

eggy S. Belbusti







MEN'S SPORTS

Baseball

Basketball

Football

Golf

Soccer

Swimming & Diving

Tennis

Track & Field **WOMEN'S SPORTS**

Basketball

Cross Country

Equestrian

Golf

Soccer

Softball

Swimming & Diving

Tennis

Track & Field

Volleyball



ATHLETIC INFO

Camps

Certification Report

CHAMPS/Life Skills

Compliance

: Figure 18

ROSTER

SCHEDULES/RESULTS

NEWS

ARCHIVES

TH CAROLINA BASEBA



Monte Lee is in his third season as an assistant at the University of South Carolina.

Collegiate Baseball

10/11/04

USC Baseball Coach Honored Over The Weekend

University of South Carolina assistant baseball coach Monte Lee was inducted over the weekend as an inaugural member of the College of Charleston Wall of Fame at Patriots Point Stadium. Lee lettered at College of Charleston from 1996-99. (more)

HIGHLK



May 26-3

- · Visit CollegeS scores, news, h analysis from a country
- · Live Audio Bro
- · Statistics
- Get Gamecoc your wireless de
- 2004-05 Winte
- · Head Coach F
- Associate Hea Toman
- · Assistant Coa
- · Assistant Coa
- NCAA Baseba Game Notes
- · South Carolin. All-Americans
- · South Carolin: All-SEC
- · SEC Baseball

Carolina Baseball Names Mark Calvi Pitching Coach Calvi Comes To Carolina Following 11 Years As An Assistant At Florida International

Gamecocks Bring In 14 Newcomers For Next Season

8/5/04

9/30/04

Jim Toman Promoted To Associate Head Coach

Gamecock Coach Was 2002 ABCA/Baseball America Assistant Coach Of The Year

South Carolina Baseball Announces Plans For New Stadium

South Carolina Baseball Recruiting Class Ranked Ninth In The Nation By

New Stadium Would Be Located On University-Owned Land Adjacent To Colonial Center

7/19/04

USC's Jerry Meyers Named Baseball Coach at Old Dominion Gamecock pitching coach recognized as one of the nation's best

FEATU

• 2002 South C

10/11/2004

6/25/04

Carolina Baseball Team Returns to Columbia

The Gamecocks plan to arrive at Eagle Aviation in between 2 p.m. and 2:30 p.m. today. General Releases

6/24/04

Media Center Post Cards From Omaha -- Day Eight

Gamecock season comes to an end, but memories will last forever Mission Statement

Promotions 6/24/04
Gamec

Gamecocks Fall To Cal State Fullerton, 4-0, Eliminated From CWS

Quick Facts

South Carolina finishes stellar season with a 53-17 record.

Radio/TV

Spirit Page

Sponsorship Opportunities

Student Gamecock Club

Team Gamecocks

Scoreboard

Site Map

Wireless

THIS WEEK@USC free email newsletter









University of South Carolina Athletics

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Applicant's Ex. No. 170, Pg. No.

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

APPLICANT 00215

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EVENTS

Sportsman of the Year Heisman Trophy Swimsuit 2001

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CNNSI.com GROUP

Sports Illustrated Life of Reilly Television SI Women SI for Kids Press Room TBS/TNT Sports

Such a wonderful feeling

Latest: Thursday September 28, 2000 06:09 AM

University of South Carolina baseball coach Ray Tanner served as an assistant coach for the U.S. Olympic baseball team. The U.S. defeated Cuba 4-0 on Wednesday to win the gold medal. CNNSI.com asked Tanner about the victory.

▶ Click here for more on this story



September 27, 2000 Sydney, Australia

There were so many tears by so many tough guys. This is such a wonderful feeling. Winning this game is great because our country takes such great pride in baseball. It's something special. I was in Atlanta when we received the bronze four years ago, and now I am in Sydney to see us win the gold. It's very difficult to describe because it's such a proud moment.

You always want to do well when you represent your country. With Tommy Lasorda as the head coach it gave the entire team added incentive to win him a gold medal. He is such a legend in baseball and it's been tremendous being around him. I have learned so much from this staff, from this group of guys. It makes me love the sport of baseball even more.

I'm here as a coach because of our program at USC, my coaches and former players. I have had some great moments in baseball this year. The SEC title, 56 wins with the Gamecocks, some great players on a great team. Kip Bouknight was named the SEC Athlete of the Year and also the National Player of the Year. Being named National Coach of the Year was also an honor. This is the best way to end the 2000 baseball season. I can't wait to get back to Columbia and get back to work with my team. We will be ready in 2001. I am thankful for all the wonderful moments in 2000."

I know everyone back in Columbia is just thrilled for both the USA team and Adam Everett. He is so deserving of a gold medal because he played his heart out and he is a class act. Just a wonderful human

CNN Languages

being from a super family.

COMMERCE SI Customer Servi

SI Customer Service SI Media Kits Get into College Sports Memorabilia TeamStore Adam is the first gold medalist from the University of South Carolina. What a huge honor for such a talented young man.

-- Ray

Related information

Stories

→ Ray Tanner Just Checking In Archive

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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's .. No. 17/, Pg. No. 2

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 9 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Belbush

Administrative Assistant

March 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

University of Southern California) Opposition No. 91125615
Opposer,) Serial No. 75/358,031
vs.) Mark: SC (Stylized)
University of South Carolina,) Filed: September 16, 1997
Applicant.) Published: May 18, 1999
)

APPLICANT'S NOTICE OF RELIANCE NO. 10 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES

[VERSION WITH CONFIDENTIAL PORTIONS REDACTED]

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents except that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 172 through 209, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Bates Range	Description
172	Applicant 00838	iCLC Artwork Approval Form dated 07/13/2004.
173	Applicant 00839	SC Baseball Mark ring artwork.
174	Applicant 00839	SC Baseball Mark artwork form dated 05/26/2004.
175	Applicant 00841	iCLC Artwork Approval Form dated 03/11/2005.
176	Applicant 00842 –	iCLC Artwork Approval Form dated 03/11/2005.
170	Applicant 00842 Applicant 00843	Telle / it work / ipproval / orin dated 05/11/2000.
177	Applicant 00849	iCLC Artwork Approval Form dated 5/24/2005.
178	Applicant 00845	SC Baseball Mark artwork form dated 08/31/2004.
179	Applicant 00846	SC Baseball Mark ring artwork.
180	Applicant 00847	SC Baseball Mark artwork form dated 09/13/2004.
181	Applicant 00847 Applicant 00848	SC Baseball Mark artwork form dated 08/27/2004.
182	Applicant 00849	SC Baseball Mark artwork form dated 10/03/2004.
183	Applicant 00849 Applicant 00850	SC Baseball Mark artwork form.
		iCLC Artwork Approval form dated 05/06/2005.
184	Applicant 00851	iCLC Artwork Approval form dated 03/03/2003.
185	Applicant 00852	iCLC Artwork Approval form dated 05/05/2003.
186	Applicant 00853	SC Baseball Mark ring artwork.
187	Applicant 00854	SC Baseball Mark artwork form dated 04/17/2003.
188	Applicant 00855	SC Baseball Mark artwork from dated 04/19/2003.
189	Applicant 00856	
190	Applicant 00857	iCLC Artwork Approval Form dated 05/15/2003.
191	Applicant 00858	iCLC Artwork Approval Form dated 01/26/2004.
192	Applicant 00859	SC Baseball Mark ring artwork.
193	Applicant 00860	iCLC Artwork Approval Form dated 02/18/2004.
194	Applicant 00861	iCLC Artwork Approval Form dated 02/18/2004.
195	Applicant 00862	SC Baseball Mark ring artwork.
196	Applicant 01803 –	iCLC Artwork Approval Form dated 8/21/2002.
	Applicant 01804	1. 1.06/14/2002
197	Applicant 01805 –	iCLC Artwork Approval Form dated 06/14/2002.
	Applicant 01806	100/15/0001
198	Applicant 01807 –	iCLC Artwork Approval Form dated 08/15/2001.
	Applicant 01808	10740000
199	Applicant 01809 -	iCLC Artwork Approval Form dated 07/18/2001.
	Applicant 01810	

Applicant's	Bates Range	Description			
Exhibit No.					
200	Applicant 01811 -	iCLC Artwork Approval Form dated 07/18/2001.			
	Applicant 01812				
201	Applicant 01813 -	iCLC Artwork Approval Form dated 08/21/2002.			
	Applicant 01814				
202	Applicant 01815 -	iCLC Artwork Approval Form dated 06/14/2002.			
	Applicant 01816				
203	Applicant 01817 -	iCLC Artwork Approval Form dated 08/15/2001.			
	Applicant 01818				
204	Applicant 01819 -	iCLC Artwork Approval Form dated 07/18/2001.			
	Applicant 01820				
205	Applicant 01821 -	iCLC Artwork Approval Form dated 07/18/2001.			
	Applicant 01822				
206	Applicant 01848 -	CLC Artwork Approval Form dated 06/15/1998.			
	Applicant 01849				
207	Applicant 01850 -	CLC Artwork Approval Form dated 06/15/1998.			
Applicant 01851					
208	Applicant 01852	CLC Artwork Approval Form dated 05/12/1998.			
209	Applicant 03019 -	CLC Artwork Approval Request Form with Approval			
	Applicant 03021	dated 01/31/1997.			

Applicant hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate (a) the licensing and use by South Carolina on products of the Applicant's mark that has been opposed ("SC Baseball Mark"); (b) historical use of the letters "SC" by South Carolina; (c) licensees of South Carolina's SC Baseball Mark on headwear, clothing and other products; (d) that the marks are dissimilar in sight, sound and meaning; and (e) that the nature of the goods are different because they are tied to fan-related products.

[SPACE INTENTIONALLY LEFT BLANK]

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John C. McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

151 Meeting Street

Post Office Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Attorneys for University of South Carolina

CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

Peggy 9. Belbusti

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Entire Exhibit No. 172

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Entire Exhibit No. 173

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Entire Exhibit No. 184

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Entire Exhibit No. <u>\$6</u>

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Entire Exhibit No. 188

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Entire Exhibit No. 198

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Entire Exhibit No. 207

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Entire Exhibit No. 208

Entire Exhibit No. 209

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 10 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES [VERSION WITH CONFIDENTIAL PORTIONS REDACTED] is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Belbusti

Administrative Assistant

March 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

) Opposition No. 91125615
) Serial No. 75/358,031
) Mark: SC (Stylized)
) Filed: September 16, 1997
) Published: May 18, 1999

APPLICANT'S NOTICE OF RELIANCE NO. 11 RELATING TO DOCUMENTS ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES AND ON OFFICIAL RECORDS

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents except that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP § 705, the parties may enter a variety of stipulations concerning the admission of evidence in an inter partes proceeding before the Board. Pursuant to CFR § 2.122(e) and TBMP § 704.03(b)(1)(A), the file history of a registration owned by another party may be introduced by a party as part of its evidence in an inter partes proceeding before the Board by Notice of Reliance. Attached as Exhibit 210 is a true and correct copy of the following document which is an official record that was stipulated to by the Parties:

Applicant's Exhibit No.	Description
210	United States Patent & Trademark Office file history for Registration No. 2,683,137 (S/N: 76/374,729).

As the pages attached as Applicant's Exhibit 210 are an official record, and the contents are not reasonably subject to dispute and are moreover capable of immediate and accurate determination, the requirements of 37 CFR § 2.122(e) and TBMP § 704.03(b)(1)(A) are satisfied.

Applicant hereby gives Notice that it will rely upon this document. The document is relevant in this action to demonstrate the following: (a) that the Applicant's mark is dissimilar in sight, sound and meaning; (b) that the nature of the goods are different because they are tied to fan-related products; (c) that there is no overlap in channels of trade; and (d) that there are significant and material errors in the prosecution of this application and equitable reasons that Registration No. 2,683,137 should not have issued.

[SPACE INTENTIONALLY LEFT BLANK]

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John C. McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

151 Meeting Street

Post Office Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Attorneys for University of South Carolina

CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

Peggy & Bellisti





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PRINCIPAL

LAW OFFICE 104

Christine Cooper

ATTORNEY ADVISOR:

Approved for Publication (Principal Register) (Signature/Date) 1961 (A) 1964 (A) 5/31/02 NOP NOA Approved for Registration (Supplemental Register) (Signature/Date) Abandoned (Date)

SEE APPLICATION FOR OTHER CLASS(ES)

ORIGINAL CORRESPONDENT

FILING BASIS USE

SCOTT A. EDELMAN

ambrellas; luggage, namely, tote bags, h (ETC)

GOODS/SERVICES (CLASS 018)

playing cards; decals; folders; 3-ring b (ETC)

GOODS/SERVICES (CLASS 016)

metal frames for metal license plates; a (ETC)

GOODS/SERVICES (CLASS 012)

University of Southern California

ORIGINAL APPLICANT

February 22, 2002

FILING DATE

Ex. No. 210, Pg. No. Applicant's

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina



Serial Number (Bar Code)

76374729 (Bar Code)

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See inside of file for additional entries.

Applicant's

Ex. No. AC Pg. No. A

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

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REGISTRATION REVIEW REPORT

SN: 76/374729

DATE OF REPORT: May 31, 2002

PAGE:

APPROVED BY: COOPER, CHRISTINE

LAW OFFICE 104

FILED Sec 1(b): NO FILED Sec 1(a): YES FILED Sec 44(d): NO FILED Sec 44(e): NO FILED No Basis: NO

FILING DATE: FEB.22,2002

CURRENTLY Sec 1(b): NO CURRENTLY Sec 1(a): YES CURRENTLY Sec 44 (d): NO CURRENTLY Sec 44(e): NO CURRENTLY No Basis: NO

MARK TYPE: Trademark Service Mark

REGISTER: Principal

MARK: SC

Color Drawing Currently: NO

OWNER: University of Southern California (CALIFORNIA.

NON-PROFIT CORPORATION)

University Park

ADM 352

Los Angeles, CALIFORNIA 900895013

FOR: Metal frames for metal license plates; and

metallic car emblems

INT. CLASS 012 (U.S. CLASS 019,021,023,031,035

AND 044)

FIRST USE 1993 USE IN COMMERCE 1994

FOR: Decals; folders; 3-ring binders; personal

organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; and paper

tablecloths

INT. CLASS 016 (U.S. CLASS 002,005,022,023,029

037,038 AND 050)

FIRST USE 1993 USE IN COMMERCE 1994

FOR: Umbrellas; luggage, namely, tote bags, hand

luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars INT. CLASS 018 (U.S. CLASS 001,002,003,022

AND 041)

FIRST USE 1993 USE IN COMMERCE 1994

FOR: Porcelain and glass mugs; cups; drinking



Opposition No. 91125615 Jniv. Southern California v.

SN: 76/374729

DATE OF REPORT: May 31, 2002

PAGE: 2

glasses; shot glasses; commemorative and decorative plates; coasters; paper plates; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls INT. CLASS 021 (U.S. CLASS 002,013,023,029,030 033,040 AND 050)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Towels; stadium blankets; cloth pennants; and cloth flags
INT. CLASS 024 (U.S. CLASS 042 AND 050)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties
INT. CLASS 025 (U.S. CLASS 022 AND 039)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flying discs, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys; playing cards INT. CLASS 028 (U.S. CLASS 022,023,038 AND 050)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items
INT. CLASS 035 (U.S. CLASS 100,101 AND 102)
FIRST USE 1993 USE IN COMMERCE 1994

FOR:

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic



Applicant's Ex. No. 10, Pg. No. 5

SN: 76/374729

REGISTRATION REVIEW REPORT

DATE OF REPORT: May 31, 2002

PAGE: 3

performances INT. CLASS 041 (U.S. CLASS 100,101 AND 107) FIRST USE 1993 USE IN COMMERCE 1994

OTHER INFORMATION TO BE PRINTED ON CERTIFICATE:

OWNER OF U.S. REG. NOS. 1844953



Applicant's Ex. No. 10, Pg. No. 6

Opposition No. 91125615
Univ. Southern California v.
Univ. South Camina



TRAMII GENERAL QUERY AS OF: 07/30/02 07:44:33

SERIAL NUMBER: 76374729

FILING DATE: 02/22/2002

REG. NUMBER: 0000000 REGISTER: PRINCIPAL

REG. DATE: MARK TYPE: TRADEMARK, SERVICE MARK

FILED USE: YES FILED ITU: NO

CURRENTLY USE: YES CURRENTLY ITU: NO

AMENDED USE: NO

FILED 44D: NO

CURRENTLY 44D: NO

AMENDED ITU: NO

FILED 44E: NO

AMENDED 44D: NO

CURRENTLY 44E: NO

AMENDED 44E: NO

EXAMINER: 78440-COOPER, CHRISTINE

LO ASSIGNED: 104

EXMR LO: 104

LOCATION: 657-PROOFREADING "VISTRONIX" DATE IN LOC: 07/24/2002

CHRG TO LOC: NONE

CHRG TO: NONE

STATUS: 681 - PUBLICATION/ISSUE REVIEW COMPLETE

STATUS DATE: 07/12/2002

A/R EXAMINER: NO A/R EXAMINER ASSIGNED

PUB DATE: SECTION 8: NO

DATE ABANDONED:

RENEWAL FILED: NO

SECTION 15: NO

DATE CANCELLED: ASSIGNMENT: NO

RENEWAL DATE:

DATE AMENDED REG:

CLASSES ACTIVE: 09

SC

CURRENT OWNER INFORMATION

PARTY TYPE: NAME:

10-ORIGINAL APPLICANT - FIRST NAME

MARK:

University of Southern California

ADDRESS:

University Park **ADM 352**

LOS ANGELES CALIFORNIA 900895013

ENTITY:

99-NON-PROFIT CORPORATION

CITIZENSHIP: EMAIL:

CALIFORNIA

AUTHORIZED:

lkennedy(usc.edu

PHONE:

(213) 740-5222

FAX:

(213) 740-9365

GOODS AND SERVICES

The following symbols indicate that the goods and services have been amended after registration of the Mark. Double parenthesis ((..)) identify any "less goods";

Single brackets [..] indicate deleted goods; and,
Single asterisks *..* identify additional (new) wording in the goods.

FOR: Metal frames for metal license plates; and metallic car emblems

INT. CLASS 012 (U.S. CLASSES 019 021 023 031 035 AND 044)

FOR: Decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper, wrapping paper; paper napkins; and paper tablecloths

FOR: Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags;

Page: 1

Southern California v. iv. South Carolina

☐ AMENDMENT		\mathbf{O}	BL. ATTON/REGISTRATION STA
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Legal Instrument	Examiner	(LIE)	· · · · · · · · · · · · · · · · · · ·
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Applicant's Ex. No. 310, Pg. No. 8

Opposition No. 91125615
Univ. Southern California v.
Univ. South Carolina

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AMENDMENT	•	□ NO CHANGE			CATION/REGISTRATION STA
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☐ Domestic Representative

☐ Entity Statement

☐ ,Concurrent Use

☐ Attorney

Prior Registration

☐ Attorney Docket Number

Amd/Corr Restr.

Prior U.S. Reg.

Correspondence

☐ Assignment(s)/Name Change

Applicant's Ex. No. $\frac{20}{20}$, Pg. No. $\frac{9}{20}$

Opposition No. 91125615 Jniv. Southern California v. Univ. South Carolina

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 76/374729

APPLICANT: University of Southern California

CORRESPONDENT ADDRESS:

SCOTT A. EDELMAN

GIBSON, DUNN & CRUTCHER LLP 2029 CENTURY PARK EAST

SUITE 4000

LOS ANGELES CALIFORNIA 90067-3026

MARK:

SC

CORRESPONDENT'S REFERENCE/DOCKET NO: 93107-00119

MAILING DATE:

May 31, 2002

CORRESPONDENT EMAIL ADDRESS:

RETURN ADDRESS:

Commissioner for Trademarks 2900 Crystal Drive

Arlington, VA 22202-3513 ecom104@uspto.gov

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.

2. Mailing date of this Office Action.
3. Examining Attorney's name and Law Office number.

4. Your telephone number and ZIP code.

EXAMINER'S AMENDMENT

EXAMINING ATTORNEY	PERSON CALLEDANTERVIEWED	SECTION AND FANCE NAME OF THE PARTY OF
Christine Cooper	SCOTT A. EDELMAN	(310) 557-8061
X TELEPHONE CALL	INTERVIEW DATE	V APPROPRIE
PERSONAL INTERVIEW	May 31, 2002	APPLICANT

CALL RECORD/NOTES

OFFICE SEARCH: The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. Section 1052(d). TMEP section 704.02.

In accordance with the authorization granted by the above Applicant or attorney, the application has been AMENDED as indicated below. Any future amendments to the identification of goods or services must be in accordance with 37 C.F.R. 2.71(a); TMEP section 1402.07(e). No response is necessary unless there is an objection to the amendment. If there is an objection to the amendment, the applicant should notify the examining attorney immediately.

RE: Serial Number 76/374729

AMENDMENT TO CLASSIFICATION AND IDENTIFICATION OF GOODS

The identification of goods is amended to read as follows:

International Class 12:

Metal frames for metal license plates; and metallic car emblems;

Opposition No. 91125615

International Class 16:

Decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper, paper napkins; and paper tablecloths;

International Class 18:

Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars;

International Class 21:

Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; paper plates; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls;

International Class 24:

Towels; stadium blankets; cloth pennants; and cloth flags;

International Class 25:

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties;

International Class 28:

Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, *flying discs*, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys; *playing cards*;

International Class 35:

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items;

International Class 41:

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic performances

:

Ex. No. 910, Pg. No. 11

Please feel free to contact the undersigned attorney if you wish to discuss this application.

Mista Congr

Christine Cooper Trademark Examining Attorney Law Office 104

(703) 308-9104 ext. 173

Mark

SC

[Typed Drawing]

Goods and Services

IC 006. US 013 025 028 050. G & S: keyrings of non-precious metals; decorative emblems or plates of non-precious metal, for attachment to autos; art work statuary of non-precious metals, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19780000

IC 018. US 003 041. G & S: umbrellas, hand luggage, tote bags, luggage; namely, tote bags, hand luggage, garment bags for travel, and small traveling bags for overnight trips, fanny packs, toiletry bags sold empty, briefcases, back packs, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

IC 024. US 042 050. G & S: towels, blankets, cloth pennants, and cloth flags, all goods being offered and sold to persons through university authorized channels of trade. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

IC 025. US 039. G & S: sweatshirts and T-shirts, all goods being offered and sold at university-controlled outlets. FIRST USE: 19260000. FIRST USE IN COMMERCE: 19870000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 74094681

Filing Date September 5, 1990

Filed ITU FILED AS ITU

Publication for Opposition Date August 18, 1992

Registration Number 1844953

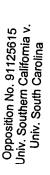
Registration Date July 12, 1994 .

Owner Name and Address (REGISTRANT) University of Southern California CORPORATION CALIFORNIA University Park Los Angeles CALIFORNIA 90089

Type of Mark TRADEMARK

*** Search: 6 *** Document Number: 52 ***

(cont)



Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

 $\begin{array}{c} \text{Live Dead Indicator} \\ \text{LIVE} \end{array}$

Attorney of Record JOSH S RIDOUT

*** Search: 6 *** Document Number: 52 ***



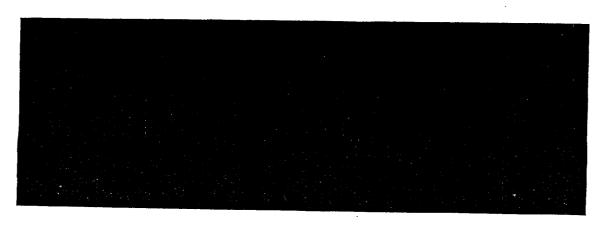
Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's

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Session started 5/17/02 3:28:31 PM Session finished 5/17/02 3:37:14 PM Total search duration 0 minutes 3 seconds Session duration 8 minutes 43 seconds

Default NEAR limit= 1 ADJ limit= 1



Applicant's Ex. No. 160, Pg. No. 15

BOX NEW APP FEE Assistant Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3513

CERTIFICATE OF EXPRESS MAILING 37 CFR 1.10 I hereby certify that this document and any documents indicated as being enclosed

herewith are being deposited with the United States Postal Service as Express Mail, No. E14302809 IUS, postage paid, in an envelope addressed to Box TTAB FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

on: February 22, 2002

By: Mandy Rolf-Burn Name: Mandy Bovertson Bora

MARK:

SC (Stylized) (Use in Commerce)

APPLICANT: University of Southern California

ATTY. REF. NO.: 93107-00119

SUBMITTAL OF TRADEMARK APPLICATION

The following documents are transmitted herewith:

- Trademark Application Including Written Application, Declaration, Drawing, and Filing Fee (\$325/class) as check no. 676959 in the amount of \$2,925.00;
 - (b) Specimens of Use for Nine Classes; and
 - (c) Postcard Receipt.

Respectfully Submitted,

Gibson, Dunn & Crutcher LLP 2029 Century Park East, Suite 4000 Los Angeles, California 90067-3026

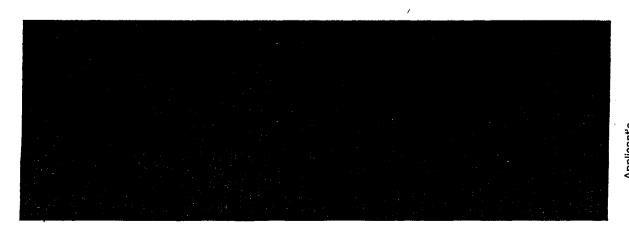
Telephone: 310-557-8061

Fax: 310-552-7041

SAE/mrb/20131606_1.DOC Enclosures

cc:

Carol M. Mauch, Esq. Ms. Elizabeth Kennedy Ms. Mandy Robertson-Bora



Opposition No. 91125615

TRADEMARK/SERVICE MARK APPLICATION (15 USC §§ 1501, 1126(d) & (e))

TO THE ASSISTANT COMMISSIONER FOR TRADEMARKS:

APPLICANT INFORMATION

Name:

University of Southern California

Street:

University Park, ADM 352

City:

Los Angeles

State:

California

Country:

USA

Zip/Postal Code:

90089-5013

Telephone Number:

(213) 740-5222

Fax Number: E-Mail Address (213) 740-9365 lkennedy@usc.edu

APPLICANT ENTITY INFORMATION (Select only One)

Individual (Country of Citizenship):

Corporation (State/Country of Incorporation):

California (non-profit corporation)

Partnership (State/Country under which

Organized; Name(s) of General Partner(s) &

Citizenship/Incorporation)

Other Entity Type (Specific Nature of Entity;

State/Country under which Organized)

TRADEMARK/SERVICE MARK INFORMATION

Mark:

SC (Stylized)

Typed Form:

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

Use in Commerce: Section 1(a) - Applicant is using the mark in commerce on or in connection with the below-identified goods and/or services (15 USC § 1051(a))

International Class Number(s):

12, 16, 18, 21, 24, 25, 28, 35, 41

Listing of Goods and/or Services:

(List in ascending numerical class order)

Metal frames for metal license plates; and metallic car emblems in Int'l Class 12;

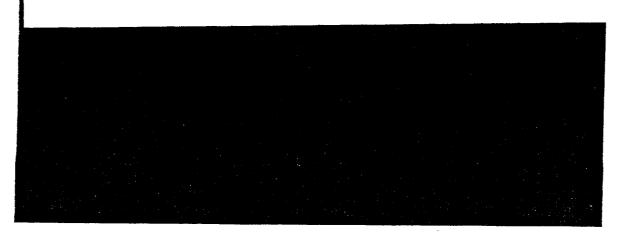
Playing cards; decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; paper plates; and paper tablecloths in Int'l Class 16;

Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars in Int'l Class 18;

Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls in Int'l Class 21;

Towels; stadium blankets; cloth pennants; and cloth flags in Int'l Class 24;

[Listing of Goods and Services Continued on Next Page]



Ex. No. 20, Pg. No.

Opposition No. 91125615

[Listing of Goods and Services Continued from Previous Page]

Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties in Int'l Class 25;

Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers, racket covers, flippy flyers, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys,

On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items, in Int'l Class 35; and

Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and

Date of First Use Anywhere

at least as early as 1993 for all classes

Date of First Use in Commerce

at least as early as 1994 for all classes

Submit one (1) SPECIMEN for each international class showing the mark as used in commerce.

Intent to Use: Section 1(b) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services (15 USC § 1051(b))

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Foreign Priority: Section 44(d) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services, and asserts a claim of priority base upon a foreign application in accordance with (15 USC § 1126(d))

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Country of Foreign Filing:

Foreign Application Number:

Date of Foreign Filing:

Foreign Registration: Section 44(e) - Applicant has a bona fide intention to use the mark in commerce on or in connection with the below-identified goods and/or services based on registration of the mark in

International Class Number(s):

Listing of Goods and/or Services:

(List in ascending numerical class order)

Country of Foreign Registration:

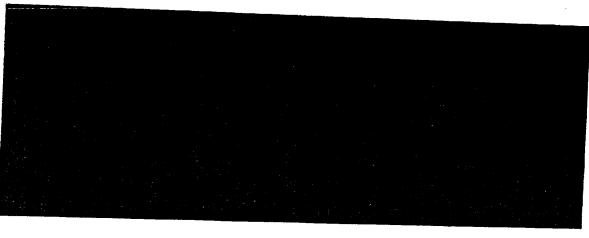
Foreign Registration Number:

Foreign Registration Date:

Foreign Registration Renewal Date:

Foreign Registration Expiration Date:

Submit foreign registration certificate or a certified copy of the foreign registration, in accordance with 15 USC § 1126(e).



Opposition No. 91125615

 $325.00 \times 9 \text{ Classes} = 2,925.00$

STATEMENT REGARDING OTHER REGISTRATIONS

Applicant is the owner of Federal Registration No. 1,844,953.

SIGNATURE INFORMATION

Applicant requests registration of the above-identified mark in the United States Patent and Trademark Office on the Principal Register established by Act of July 5, 1946 (15 USC § 1051 et seq) for the above-identified goods and/or services.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC § 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 USC § 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: Date:

Name:

February 15, 2002

Title:

Dennis F. Dougherty Senior Vice President for Administration

CONTACT INFORMATION

Scott A. Edelman

Company/Firm Name:

Gibson, Dunn & Crutcher LLP

Street:

2029 Century Park East, Suite 4000

City:

Los Angeles

State:

California

Country:

USA

Zip/Postal Code:

90067-3026

Telephone Number:

(310) 557-8061

Fax Number:

(310) 552-7041

E-Mail Address:

sedelman@gibsondunn.com



Opposition No. 91125615 Jniv. Southern California v.



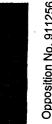
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U.S. Patent & TMOfo/TM Mail Ropt, Dt. #40

Applicant:	University of Southern California
Address:	University Park ADM 352 Los Angeles, California 90089-5013
Goods/Services (include basis for filing):	Use in Commerce - Section 1(a) for all classes
basis for fitting).	Metal frames for metal license plates; and metallic car emblems in Int'l Class 12;
	Playing cards, decals; folders; 3-ring binders; personal organizers; calendars; pencils; pens; erasers; pencil sharpeners, pen or pencil holders; desktop business card holders; note paper; wrapping paper; paper napkins; paper plates; and paper tablecloths in Int'l Class 16;
~ V	Umbrellas; luggage, namely, tote bags, hand luggage, garment bags and overnight bags; shoe bags for travel; fanny packs; toiletry bags sold empty; briefcases; backpacks; duffel bags; wallets; business card cases; luggage tags; animal leashes; and dog collars in Int'l Class 18;
	Porcelain and glass mugs; cups; drinking glasses; shot glasses; commemorative and decorative plates; coasters; thermal insulated containers for food or beverage; portable beverage coolers; plastic sports bottles sold empty; and pet bowls in Int'l Class 21;
\vee	Towels; stadium blankets; cloth pennants; and cloth flags in Int'l Class 24;
F	Clothing, namely, t-shirts, sweatshirts, polo shirts, warm-up suits, jackets, rain ponchos, sweaters, jerseys, tank tops, shorts, sport shirts, baseball shirts, basketball jerseys, golf sweaters, night shirts, boxer shorts, socks, hats, caps, sport caps, visor caps, beanies and ties in Int'l Class 25;
a way	Sporting goods, namely, baseballs, footballs, golf balls, golf tees, golf bags, putters, golf club covers; racket covers; flippy flyers, and foam fingers; arcade-type electronic video games; playthings, namely, plush toys, and ride-on toys in Int'l Class 28;
R. O. V	On-line retail store services featuring men's, women's and children's clothing, footwear, hats, accessories, sporting goods, gifts and novelty items, in Int'l Class 35; and
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Entertainment services, namely, conducting athletic competitions; organizing intercollegiate, community and national sporting and cultural events; sports instruction; and providing musical, band, dance, theatrical and dramatic performances in Int'l Class 41
First Use Anywhere:	At least as early as 1993 for all classes
First Use In Commerce:	At least as early as 1994 for all classes



GIBSON, DUNN & CRUTCHER LLP 2029 Century Park East, Suite 4000 Los Angeles, California 90067-3026



Applicant's Ex. No. 410, Pg. No. 40



Departments

Las Vegas Bowl! Baseball Football Gifts Hats Jackets Kids **NCAA Tourney Polo Shirts** Sweats T-Shirts Team Trojan **Traditions** What's New

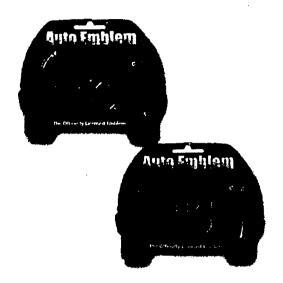
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Proceeds from each purchase benefit the USC Athletic Department.

Interlocking SC Car emblem



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Interlocking SC Car emblem

SC car emblem is available in brass or chrome color. Cute accessory for the car.

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Quantity: 1

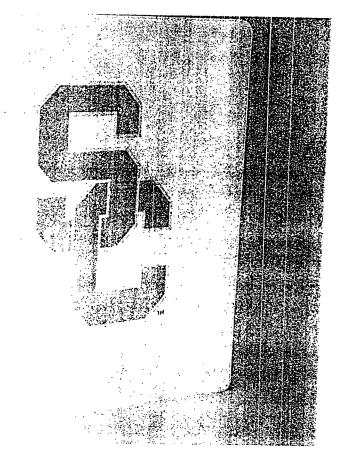
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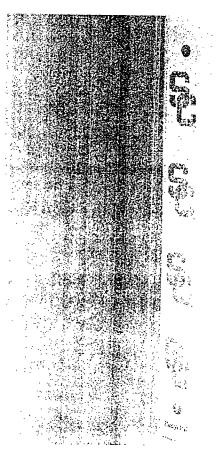
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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

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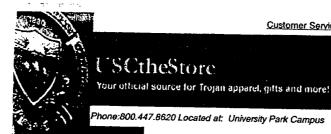
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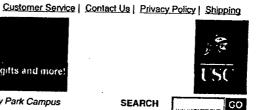




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Applicant's Ex. No. 32, Pg. No. 33





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Las Vegas Bowl! Baseball Football Gifts Hats Jackets Kids NCAA Tourney **Polo Shirts** Sweats T-Shirts Team Trojan Traditions What's New

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Back to Product Display Page

SC Etched Cardinal Mug Interlocking SC is etched right on the mug for a stylish design.

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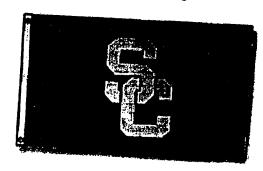
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SC Interlock Flag



Back to Product Display Page

Nike® USC Striped Mesh Shorts

Cardinal mesh shorts feature white and gold stripes on side of shorts. Also includes interlocking SC applique on left leg.

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Applicant's Ex. No. **26**, Pg. No. **26**



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Opposition No. 91125615 Jniv. Southern California v. Ex. No. 90, Pg. No. 26

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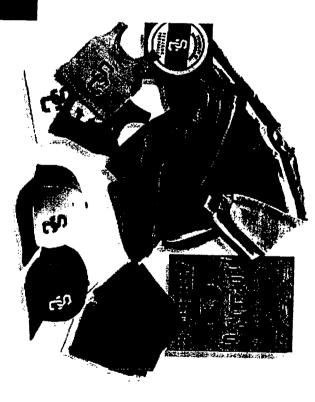
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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Ex. No. 26, Pg. No. 25

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Sat	09/21/2002	Kansas State	Manhattan, Kan.		TBA
Sat	09/28/2002	Oregon State	L.A. Coliseum		TBA
Sat	10/05/2002	Washington State	Pullman, Wash.		TBA
Sat	10/12/2002	California	L.A. Coliseum		TBA
Sat	10/19/2002	Washington	L.A. Coliseum		TBA
Sat	10/26/2002	Oregon	Eugene, Ore.		TBA
Sat	11/09/2002	Stanford	Palo Alto, Calif.		TBA
Sat	11/16/2002	Arizona State (Homecoming)	L.A. Coliseum		TBA
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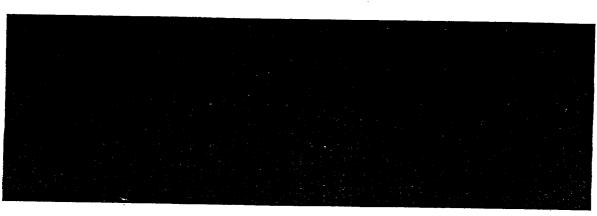
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Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 34 Pg. No. 33

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 11 RELATING TO DOCUMENTS ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES AND ON OFFICIAL RECORDS is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Belbust

Administrative Assistant

March 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

) Opposition No. 91125615
) Serial No. 75/358,031
) Mark: SC (Stylized)
) Filed: September 16, 1997
) Published: May 18, 1999

APPLICANT'S NOTICE OF RELIANCE NO. 12 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents *except* that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 211 through 212, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Bates Range	Description	
211	Applicant 00396	List of South Carolina Alumni by State.	
212	OPP 02941 - OPP 02942	List of California Alumni by State.	

Applicant hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate (a) information about South Carolina's alumni; (b) information about California's alumni; (c) that there is no overlap in channels of trade; and (d) that the conditions under which and to whom sales are made are such that it is unlikely that there would be confusion between Applicant's mark and Opposer's mark.

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John/C. McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

151 Meeting Street

Post Office Box 1806 (29402)

Charleston, SC 29401

(843) 853-5200

Attorneys for University of South Carolina

CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee,

Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

Peggy So Belbusti

University of South Carolina

	State	Total Alumni		
AK	Olulo	147		
AL		1,229		
AR		310		
AZ	,	653		
CA		3,576		
CO	•.	1,001		
CT		892		
DC		524		
DE		317		
FL		6,810		
GA		12,159		
HI		183		
IA		166		
ID		98		
IL		1,337	•	
IN		619		
KS		273		
KY		765		
LA		690		
MA		1,119		
MD		2,706		
ME		388		
MI		903		
MN		332		
MO		590		
MS		386		
MT		76		
NC		14,230		
ND		33		
NE		142		
NH		222		
NJ		2,354		
NM		274		
NV		252		
NY		2,880		
ОН		1,678		
OK		272		
OR		359		
PA		2,206		
RI		172) .	
SC		139,153		
SD		36		
TN		2,373		
TX		3,514		
UT		211		
VA		6,173		
VI VT		26 124		Α
VT		738		
WA		738 427		Ex. No.
WI WV		504		Opposi
WY		68		Univ. So
AA I		UO .		Univ

216,670

Applicant's Ex. No. 11, Pg. No. 1

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	1				

University of Southern California Alumni Counts By State

State	Count
Alabama	292
Alaska	166
American Samoa	8
Arizona	2,627
Arkansas	150
Armed Forces Americas	7
Armed Forces Europe	110
Armed Forces Pacific	78
California	144,486
Colorado	1,983
Connecticut	676
Delaware	83
District of Columbia	454
Florida	1,949
Georgia	904
Guam	42
Hawaii	1,819
Idaho	474
Illinois	1,722
Indiana	402
lowa	195
Kansas	305
Kentucky	176
Louisiana	277
Maine	103
Maryland	1,317
Massachusetts	1,131
Michigan	720
Minnesota	598
Mississippi	97
Missouri	473
Montana	227
Nebraska	189
Nevada	1,827
New Hampshire	193
New Jersey	1,086
New Mexico	564
New York	2,564
North Carolina	694
North Dakota	25
Ohio	791
Oklahoma	252
	1,910
Oregon Pennsylvania	1,096
Puerto Rico	28
Rhode Island	128
South Carolina	242
	74
South Dakota	446
Tennessee	3,268
Texas	721
Utah	121

Applicant's Ex. No. 1, Pg. No. 1

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

OPP 02941

The counts refer to individuals for whom the University has an active mailing address.

University of Southern California Alumni Counts By State

Vermont	83
Virgin Islands	11
Virginia	2,471
Washington	3,221
West Virginia	60
Wisconsin	394
Wyoming	87
	186,476

Applicant's Ex. No. 12, Pg. No. 1

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

OPP 02942

The counts refer to individuals for whom the University has an active mailing address.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S NOTICE OF RELIANCE NO. 12 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES is being placed in the United States mail, first class, postage prepaid, on March 10, 2006, addressed to the following:

Michael S. Adler, Esquire Gibson, Dunn, & Crutcher, LLP 2029 Century Park East, Suite 4000 Los Angeles, CA 90067-3026

Attorneys for Opposer University of Southern California

Peggy Belbusti

Administrative Assistant

March 10, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

) Opposition No. 91125615
) Serial No. 75/358,031
) Mark: SC (Stylized)
) Filed: September 16, 1997
) Published: May 18, 1999

APPLICANT'S NOTICE OF RELIANCE NO. 13 RELATING TO DOCUMENTS PRODUCED DURING DISCOVERY IN THIS ACTION AND ADMISSIBLE BY NOTICE OF RELIANCE PURSUANT TO STIPULATION BETWEEN ALL PARTIES

Pursuant to Stipulation Regarding Documents entered into between Opposer the University of Southern California ("Opposer" or "California") and Applicant, the University of South Carolina, ("Applicant" or "South Carolina") (collectively "Parties") on or about December 16, 2005, and filed with the Board on December 29, 2005, the Parties have agreed that certain documents produced in discovery in this case may be admitted into evidence by means of a Notice of Reliance. Specifically, the Parties stipulated as follows with respect to the documents identified below:

Opposer University of Southern California ("California") and University of South Carolina ("Carolina") (collectively "Parties") agree and stipulate that for the purposes of this action, the following documents are authentic and may be admitted into evidence by means of a notice of reliance. The Parties further agree and stipulate that for the purposes of this action these documents shall be considered as business records and/or ancient documents, and the Parties waive any other hearsay objections to the documents except that the Parties retain the right to object to material in such documents that constitutes hearsay with hearsay to the extent that such objections would have been otherwise available.

In accordance with TBMP §§ 704.11 and 705, documents may be made of record in an inter partes proceeding before the Board by stipulation of the parties. Attached as Exhibits 213 through 214, respectively, are true and correct copies of the following documents produced in discovery in this action and stipulated to by the Parties:

Applicant's Exhibit No.	Bates Range	Description				
213	Applicant 00397 – Applicant 00423	Photos showing historic uses of the letters "SC".				
214	Applicant 00424 – Applicant 00429	Photos of card and Freshman Rat Hat showing use of the letters "SC".				

Applicant hereby gives Notice that it will rely upon these documents. The documents are relevant in this action to demonstrate historical use of the letters "SC" by the State of South Carolina and its agency, the University of South Carolina.

Dated: March 10, 2006

NELSON MULLINS RILEY & SCARBOROUGH, L.L.P.

John/C. McElwaine

Federal Bar No. 6710

Matthew D. Patterson

Federal Bar No. 7788

Liberty Building, Suite 600

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Charleston, SC 29401

(843) 853-5200

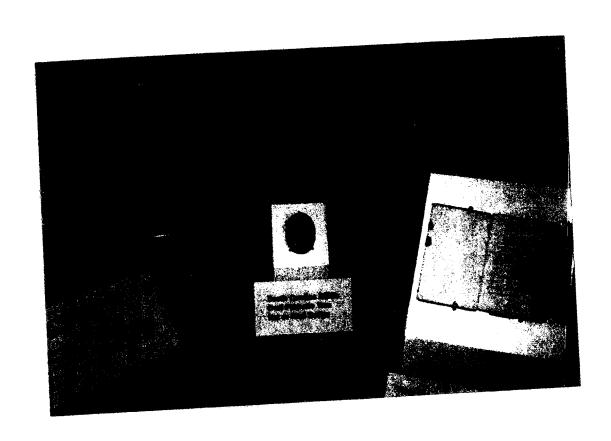
Attorneys for University of South Carolina

CERTIFICATE OF MAILING

I certify that the foregoing document regarding Opposition No. 91125615 is being deposited with the United States Postal Service as Express Mail Post Office to Addressee, Express Mail Label No. EH771200211US, postage prepaid, in a box addressed to the Trademark Trial & Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451 on March 10, 2006.

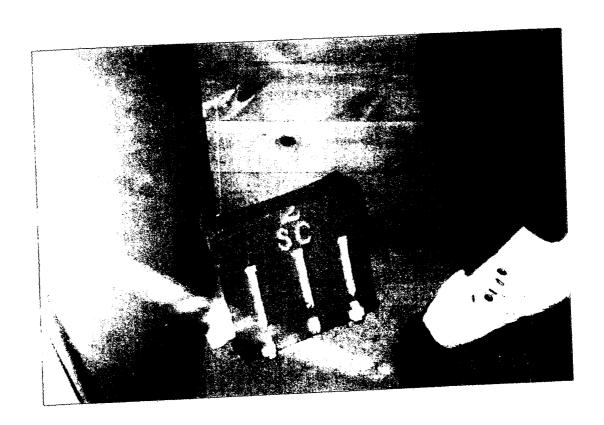
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APPLICANT 00397

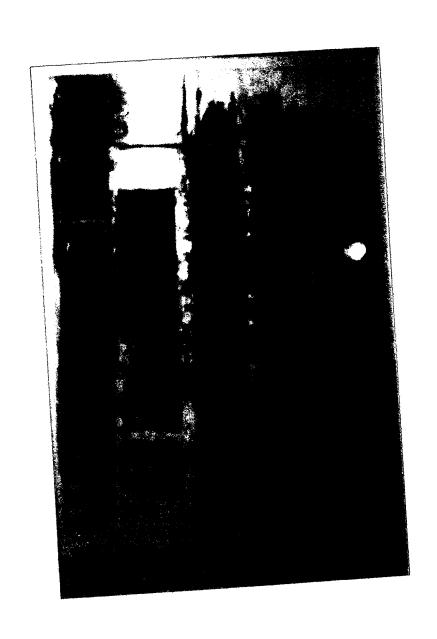
Applicant's Ex. No. 13 Pg. No. 1



Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina Applicant's Ex. No. 13, Pg. No. 2

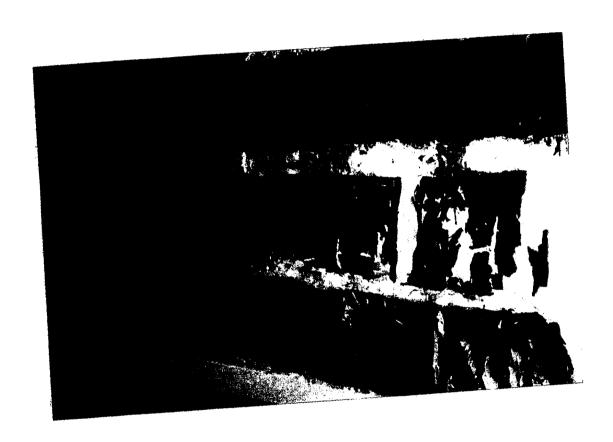


Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina Applicant's Ex. No. <u>113</u>, Pg. No. <u>3</u>



Applicant's Ex. No. 413, Pg. No. 4

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

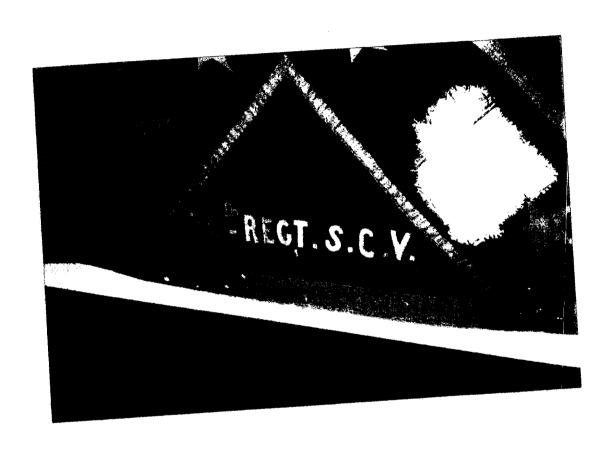


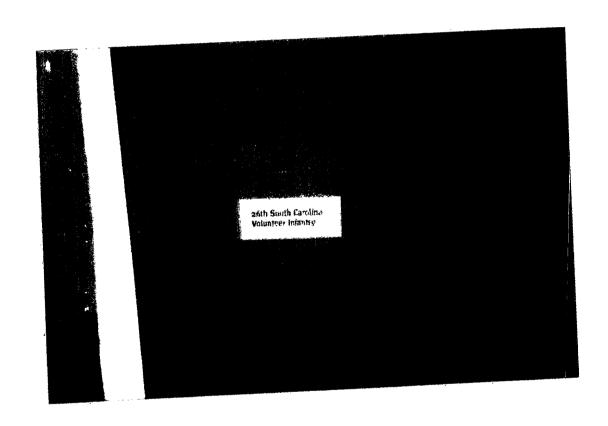
Applicant's Ex. No. 913, Pg. No. 5

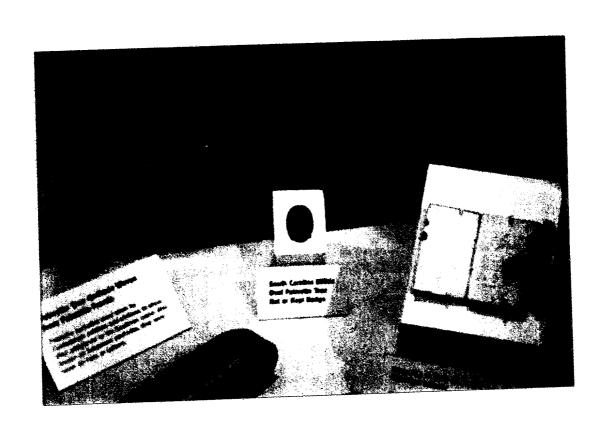


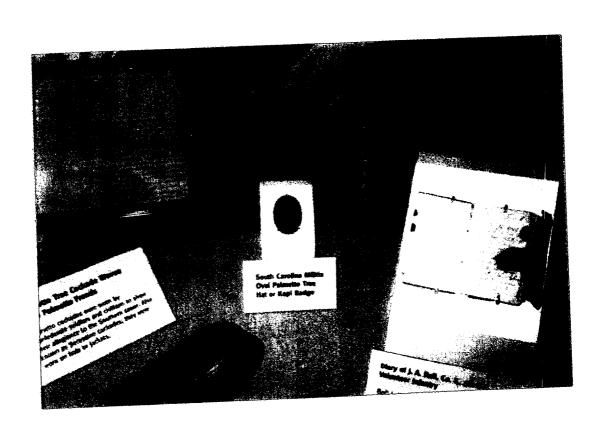
Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

Applicant's Ex. No. 213, Pg. No. 6



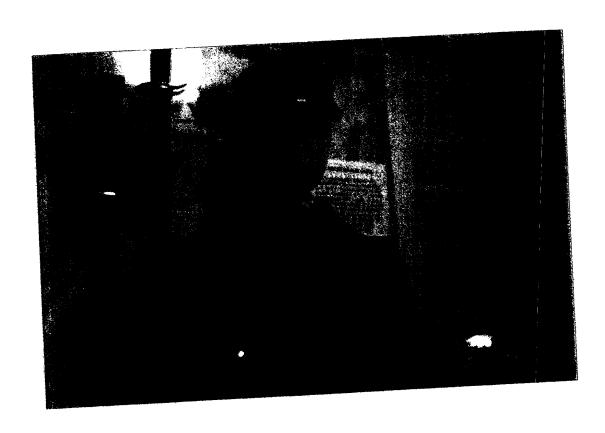


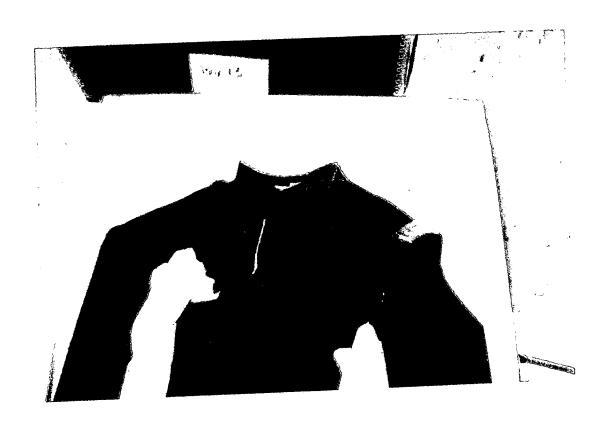




Applicant's Ex. No. 12, Pg. No. 10

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina





Applicant's Ex. No. 93, Pg. No.

Opposition No. 91125615 Univ. Southern California v. Univ. South Carolina

